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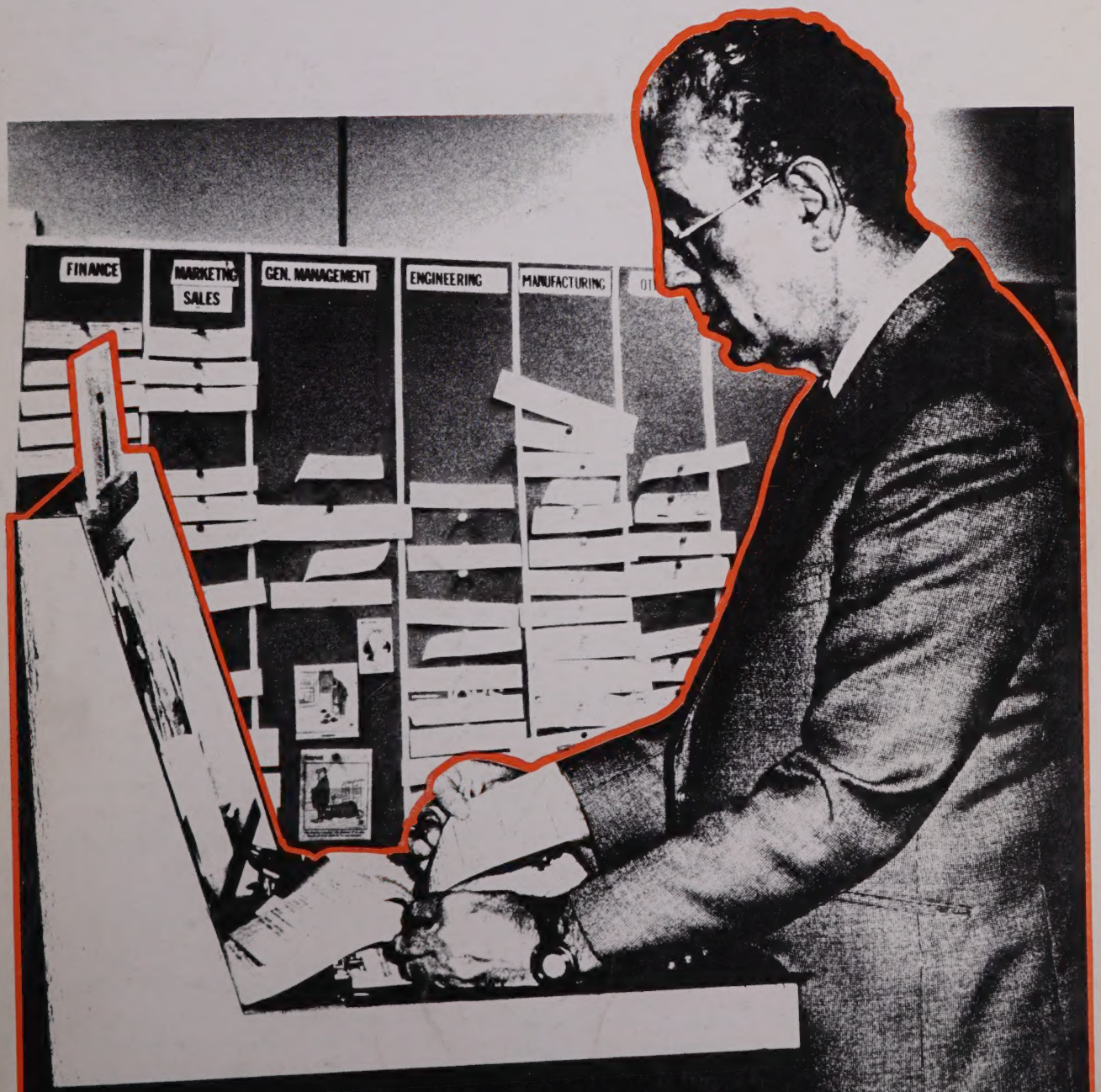

Unemployed and over 40 – the new minority

the labour gazette

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PEOPLE

Couture named Quebec labour minister

Jacques Couture, member of the Quebec National Assembly for Saint Henri, has been appointed labour minister in the province's Parti-Québécois government. Couture, 47, was a community organizer for a Montreal social service alliance before his election in the November, 1976, provincial vote. He began his career in Saint Henri as a worker-priest in 1963 — working as a truck driver and factory labourer.

EMPLOYMENT

ECC proposes UIC incentives to migration

A study released by the Economic Council of Canada proposes an amendment to the Unemployment Insurance Act to remove an existing "disincentive" to worker migration from depressed to more prosperous regions. Under the current Act, the higher the unemployment rate is in a particular region, the shorter the period in which a person builds up eligibility for unemployment benefits and the longer the period before a claim is exhausted.

"This arrangement has a good equity argument in its favour, but it also produces a disincentive effect," write E. Kenneth Grant and John Vanderkamp in the 124-page study entitled *The Economic Causes and Effects of Migration: Canada, 1965-71*. "There could presumably be a policy change to reduce this disincentive effect without altering the equity objective — i.e. by allowing migrants to continue to receive the same privileges for one year after the move to a low unemployment area."

To encourage such migration, the authors also suggest loans to help workers finance the move, repayable only if the worker finds a job, and provision of more labour market information about other regions by Canada Manpower Centres. Their analysis of Unemployment Insurance Commission data discloses that workers in Canada are generally slow to respond to regional disparities in income and employment conditions by migrating to more prosperous areas. They also find that migration declines during bad national economic conditions. The authors also point out that, in the short run, the migration of unemployed workers from a high-unemployment region can add to regional disparity because they no longer purchase locally-produced goods and services.

The study contains the usual disclaimer that the researchers' views are not necessarily shared by the Economic Council of Canada.

Dismal job prospects for professionals in 1977

Little improvement can be expected this year in the current dismal employment prospects for executives and professionals, according to the Technical Service Council. N.A. Macdougall, general manager of the council, blamed depressed export markets and slow growth of consumer and business spending.

The council conducts quarterly surveys of 1,500 employers across Canada. It found that job openings for executives and professionals increased by about 4 per cent during the last quarter of 1976, but there were 18 per cent fewer openings at the end of 1976 than at the end of 1975. Nevertheless, the survey found shortages in the supply of petroleum engineers, junior accountants, junior and intermediate sales engineers and junior and intermediate plant engineers. Its studies of job prospects for the 1977 graduating class of Canadian universities suggest they will be adequate for graduates in commerce and engineering — as long as they do not insist on working in specialized fields or near their home communities.

New five-year strategy announced

The federal department of manpower and immigration plans a five-year strategy intended to provide employment opportunities and complement intended changes in the Unemployment Insurance program. An initial phase, costing about $350 million in 1977-78 and involving at least 135,000 people, will help provide work for unemployed Canadians, particularly young people.

An amendment to the Unemployment Insurance Act will be sought

to permit unemployment insurance recipients to receive income maintenance, not only while taking occupational training courses, but also when participating in some direct employment programs. "Amendments to the UI Act will also be proposed to enable UI funds to be used, again experimentally, to compensate partly for reduced employee wages in cases where employers and employees agree to reduce the hours of work rather than lay off some workers during short-term production cutbacks," a departmental announcement said.

The "largest single element" of the strategy will be Canada Works, a year-round job creation program costing about $200 million in 1977-78 and providing work for 61,000 Canadians, most of them in high unemployment areas. Another part of the program, Young Canada Works, will enable young people to obtain experience in the labour market and prepare themselves for their future careers or education.

The announcement also said the federal government will work with the provinces to develop co-operative education programs in which students combine school and work to help them in the transition from school to the labour market.

EMPLOYEE COMPENSATION

Montreal survey reveals male-female gap widening

A survey of 214 employees in the Montreal area indicates that the wage gap between hourly-paid men and women widened considerably during the 12 months ended last June. At mid-year 1976, men were earning an average 42.7 per cent more than women. The difference had been 25.9 per cent a year earlier. The men's hourly wage averaged $5.25 an hour compared with $4.38 a year previously and the women's $3.68, up from $3.48. In other words, the differential had widened to $1.57 from 90 cents. The survey was conducted by the Montreal Board of Trade, la Chambre de commerce (Montreal), and the Canadian Manufacturers' Association (Montreal).

U.S. male-female differential widens

The wage differential between men and women almost doubled in the United States in 20 years. Women who held full-time jobs in 1974 earned only 57 cents for every dollar earned by men, according to the women's bureau of the labor department's employment standards administration.

The bureau also said that in constant dollars — taking inflation into account — working men earned an average $1,911 more than women in 1955. By 1974, they were earning $3,433 more — a 79-per-cent difference. Much of the gap could be explained only by a "maximum measure of discrimination," the bureau's report added. It cited two major factors contributing to the increased differential: Although "increasing numbers" of women are getting better paid jobs, "there is still a predominance of women in lower-status occupations of a traditional nature which provide limited opportunity for advancement."

The "dynamic" rise in women's labour participation has resulted in a larger proportion of women "who are in or near the entry level." Many women just starting work had to take low-paying beginning jobs, while most men had more years of employment experience.

UAW's new contract with "Big Three"

The United Auto Workers union has negotiated 13 additional days of paid time off for its members who work for the "Big Three" of the Canadian auto industry — Ford Motor Co. of Canada Ltd., Chrysler Canada Ltd. and General Motors Ltd. The agreements not only move the workers one small step toward a four-day week but also set new standards for health-care benefits, which will be extended to retired employees. The dental care plan will be improved, and the cost of hearing aids will be covered for both employees and pensioners.

The reduced work-time, to be phased in over the three-year agreements, includes a new paid statutory holiday — starting July 3, 1978 — to provide a four-day Dominion Day holiday weekend. The wage settlement includes a 3-per-cent annual increase and a cost of living escalator based on 1 cent for each 0.3 change in a composite Canadian-United States consumer price index. In addition, there is a first-year increase of 20 cents an hour for production workers. Skilled tradesmen will get not only that 20 cents but an additional 20 cents in two stages over two years. The Canadian negotiations were completed with only two short strikes — a three-day walkout at Ford and one at GM that lasted only a few hours.

PENSIONS

CPP premiums increase in 1977

Maximum annual deductions from employee earnings for the Canada Pension Plan will rise to $151.20 in 1977 from $135 in 1976. Maximum

employers' contributions also rise to $151.20 for each employee covered, while self-employed contributors will pay a maximum of $302.40.

Maximum contributions are based on a rate of 1.8 per cent of pensionable earnings deducted from paycheques. For self-employed contributors that rate is 3.6 per cent. The maximum amount of earnings subject to pension contributions is $8,400 this year. Maximum pensionable earnings rise to $9,300 but there is a basic annual exemption of $900.

Pension plans often unfair to women

Company pension plans can discriminate against women employees despite Ontario's human rights legislation, according to James Hillhouse, a Toronto pension consultant. One obvious reason, he points out, is that pensions are related to salary, which is often lower for women. Another is that different pensions available to various categories of employees tend to split along male-female lines, such as managerial and clerical.

Hillhouse, who made these assertions in an address to the Toronto Business and Professional Women's Club, said human rights legislation may help in the future: "Down the road, men and women with equal salary and service history will receive identical retirement pensions, but in the meantime we are going to be faced with the prospect of women retiring with relatively inadequate pensions."

provinces outlawing such on-the-job discrimination.

That message was brought to a seminar at McGill University in January by Sylva Gelber, special adviser to the federal deputy minister of labour and a former head of the labour department's women's bureau.

She said one reason is that women are afraid to use the legislation. Most women work because they need the money and are afraid a complaint "will jeopardize their position, not improve it." That is why governments have had relatively few complaints about unequal pay despite equal work, she argued.

U.S. female PhDs paid less than men

Women in the United States with doctorates in the sciences and engineering are paid less than men, a survey by the National Academy of Sciences found. The median 1975 salary for the women scientists was $19,000 a year compared with $23,500 for male PhDs, while the median salary for the engineers was $21,000, compared with $25,000 for men. The women's unemployment rate was also higher.

DISCRIMINATION

Status of women council criticizes federal gov't.

The Advisory Council on the Status of Women says that federal government policy directives on job opportunities achieved little improvement in the status of its own women employees during 1975 — International Women's Year. In an analysis of public service employment statistics, the council noted that the wage differential between male and female public servants widened, the concentration of women in the lower-paid administrative support positions increased, and the number of women in senior executive positions decreased during the year. "It is evident that government policy directives made at that time have not been effective," the council said. "The position of women in the public service in 1975 was in many ways worse than before."

Marc Lalonde, the minister responsible for the status of women, commented that the council had been premature in expecting the statistics to change so quickly. He said the situation had improved since 1975, and cited statistics covering the January-November period of 1976. They showed 59 per cent of women in the administrative support category in the 1976 period, down from 65 per cent in 1975 and close to 67 per cent in 1972.

Many women paid less

Canadian women are still paid less than their male fellow employees despite legislation in most

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UNIONS

1974 report on number of organized workers

About 32.1 per cent of unionized employees in Canada worked in manufacturing, according to Statistics Canada's report for 1974 under the Corporations and Labour Unions Returns Act.

Labour organizations reported a total membership of 2,682,832 at the end of 1974, a 4-per-cent increase over 1973. Of these, 1,486,638, or 55.4 per cent, were in 81 international unions; 798,943, or 29.8 per cent, in 63 national unions; and 397,251, or 14.8 per cent, in federal and provincial government organizations.

The service industries employed 18 per cent of union members, and next in order were public administration, 15.5 per cent; transportation, 14.7 per cent; and construction, 10.7 per cent. In contrast, mines and quarries, trade, forestry and finance together had only 7.3 per cent of total union membership, even though they had more paid workers than transportation and public administration combined.

The estimated number of wage and salaried workers, by industry, with the number and percentage organized in brackets, were — manufacturing, 1,996,000 (860,527, 43.8 per cent); transportation, 797,000 (394,346, 49.5 per cent); public administration, 590,000 (415,420, 70.4 per cent); construction, 454,000 (285,802, 69.2 per cent); service industries, 2,184,000 (483,607, 22.1 per cent).

Queen's IR Centre report

Many of the more important recent union developments in Canada are highlighted in a 68-page report published by Queen's University Industrial Relations Centre. The report was originally prepared as part of the 1976 issue of the centre's annual volume, *The Current Industrial Scene in Canada*, but the centre decided to publish it separately "because of the dearth of material about contemporary trade union developments in Canada."

Written by W.D. Wood, director of the centre, the report is entitled *The Current Trade Union Scene, Patterns and Trends*. It contains brief sections on trends in union membership, mergers, Canadian autonomy, Canadian Labour Congress and provincial federation of labour activities, women and white-collar organization, as well as several statistical tables. It also includes several references to U.S. developments of particular relevance to Canada. The report is available from the Queen's centre at $5 a copy.

EDUCATION

McMaster receives grant for labour studies

The Ontario ministry of labour has announced a $50,000 grant to McMaster University to help cover the costs of its labour studies program for the 1976-77 academic year. The program was launched in July 1976, with the appointment of Harry Waisglass as director. Waisglass is a former director-general of research and development for the Canada Department of Labour.

He describes the program as the first university-based program in Canada offering specialized services "to meet the continuing education needs of the full-time staff of trade unions." It results from a two year preparatory study by a joint committee representing the university, the Canadian Labour Congress and the Ontario Federation of Labour.

Vocational association meeting in Sackville

The Canadian Vocational Association will hold its 14th annual convention June 1, 2 and 3 at Mount Allison University, Sackville, New Brunswick. The objectives of the association are to promote and develop Canada's labour force through formal training programs and promoting research on problems related to education, training and employment. It is also dedicated to developing standards of training and certification on a Canada-wide basis for all occupations. For more information, contact: Don R. Daley, New Brunswick Community College, Box 6000, 736 King, Fredericton, N.B. E3B 5H1.

Employers deem high school graduates less proficient in "3Rs"

A national survey of employers by the Canadian Chamber of Commerce found the "overwhelming" opinion that students now graduating from secondary schools have less proficiency in reading, writing and arithmetic than graduates of three or five years ago. The chamber received 554 replies — a 17.5 per cent response — from 3,170 employers it surveyed last year. They included commercial and industrial enterprises, placement and personnel officers, lawyers, architects and consulting engineers.

About 75 per cent of respondents felt current graduates could not write as well as those of a few years ago and 46 per cent said they could not read as well. About 52 per cent found a decline in graduates' ability to perform simple arithmetic. Moreover, 95 per cent of the respondents said they would prefer to employ graduates competent in the "3Rs", and more than 70 per cent said they were willing to pay an average 13-per-cent premium to get them. lg

Unemployed and over forty — the new minority

by Roy LaBerge

Canadians are slowly becoming aware of a new social minority in their ranks, made up of tens of thousands of middle-aged people looking for work. These unemployed range from blue-collar workers displaced by technological change to upper- and middle-level management personnel displaced by organizational restructuring or "executive obsolescence." They face a common hurdle — reluctance by employers to hire people over 40 years old.

There has been a great deal of public concern about the high unemployment rates of workers under 24 and the financial woes of retired people over 65, but the problems of workers over 40 and under 65 have gone almost unnoticed. Discrimination against them does exist in hiring practices in Canada, but there has been little research into it by academics or governments. Human rights advocates have devoted most of their attention to other social minorities.

One indication of the difficult time older workers face in the Canadian labour market appears in the Economic Council of Canada study, published in 1976 under the title *People and Jobs.*

The average worker 45 and over is unemployed for a much longer period of time than the average younger worker, and this period has been getting longer. In 1966, it was just over 12 weeks; by 1973, it had grown steadily to almost 15 weeks. The comparable figures for workers under 24 were 9 weeks in 1966 and almost 12 weeks in 1973.

Roy LaBerge teaches social science at Algonquin College, Ottawa. He is also a journalist and former editor of Canadian Labour.

A 1974 survey of the major industrialized countries by the International Labour Organization found that unemployed people over 45 can count on waiting four times as long for a new job as workers under 20, and that people over 50 make up two thirds of those who have been unemployed for more than six months. Yet the same study demonstrated that older workers have a better record of job stability in terms of the length of time they remain with the same employer.

One British survey found that every second managerial or administrative job advertised in a major daily newspaper was closed to people 40 and over.

Robert Slater, a British social psychologist, has suggested that militant older workers may one day band together to focus attention on age discrimination in the same way that women's liberation movements have drawn attention to discrimination based on sex.

Unemployed people over 45 can count on waiting four times as long for a new job as workers under 20

The ILO is, of course, seeking international action to end discrimination of all kinds in the labour market, including age. The U.S. outlawed age discrimination in 1967. So did Costa Rica in 1970. So have most Canadian jurisdictions in their human rights legislation, although workers 65 and over have no such legal protection in Canada.

Legislation alone is not enough. One reason is that discrimination based on age is frequently more difficult to prove than other forms of discrimination. Another is that such legislation, to be effective, must be supported by a change in attitude — an end to the existing stereotypes about older workers.

As long ago as 1953, a United States authority in the relatively new field of gerontology listed several of the stereotype-based reasons employers give for not hiring older workers, and refuted each of them. The employers' reasons and their refutations by Milton L. Barron were first published in the *American Journal of Social Gerontology and Geriatrics,* and later as part of a book, *The Aging American:*

- *Older workers are less productive.* Barron says the facts do not bear out this contention.

Surveys generally show that the quantity and quality of work by older employees are equal to or superior to the work of younger workers.

• *They are frequently absent.* In reply, Barron cites a 1956 survey by the U.S. labor department that found the average attendance record of older workers to be 20 per cent better than that of younger ones.

• *They are involved in more accidents.* The same survey showed workers 45 and over had 2.5 per cent fewer disabling injuries and 25 per cent fewer non-disabling injuries.

• *They do not stay on the payroll long enough to justify hiring expenses.* Barron contends that all available research indicates that separation rates for older workers are much lower than for younger employees.

• *They do not have needed job skills.* On the contrary, Barron replies, "the facts show that the older worker is likely to possess more skills, training and know-how than younger job hunters."

• *They are inflexible and unimaginative and have trouble getting along with younger workers.* This stereotype comes in for Barron's heaviest criticism of all: "It is hard to imagine a generalization more susceptible to contradiction by the individual case than this one. The practical experience of many companies indicates that this factor is seriously over-rated."

• *It is too costly to provide them with adequate group insurance or pension plans.* Barron contends that this "easy generalization" is rarely based on careful scrutiny of the company plan. "The costs depend on the nature of the plan"

...pension costs can be a real factor in motivating some companies not to hire older workers

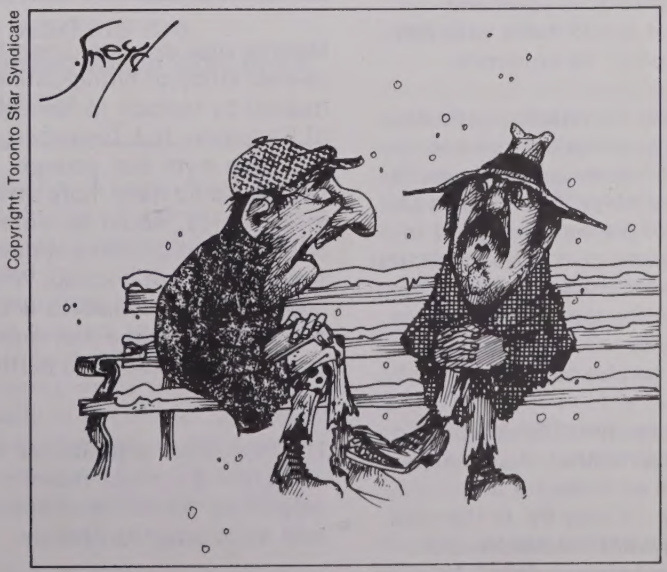
he points out, and they can vary. Nevertheless, he admits that pension costs can be a real factor in motivating some companies not to hire older workers, and he claims some insurance companies encourage employers not to hire them:

"If a company is committed to paying a pension at a fixed age, such as 65, it will probably refrain from hiring people 50 or 55 years of age. If it hires these people, the company must then set aside enough money to pay them pensions comparable to those going to employees whose service in the company has extended over a greater number of years."

So pension plans can, by their very economics, discriminate against the hiring of older workers. Barron also contends that insurance companies "warn employers that to hire men over 45 years of age and women over 40, or to retain employers over 65, would require the companies to request payment of higher premiums" for disability and accident insurance.

Barron believes that the older worker is at a disadvantage in all the world's labour markets — East or West, socialist or free enterprise: "There is no evidence available that indicates that anywhere in the world employers generally are free from prejudice against the hiring of older workers. On the other hand, clear and unmistakable evidence exists that even in areas of labour shortages, employers are reluctant to hire older workers."

One Canadian organization that is fighting against the older worker stereotypes is Forty-Plus of Canada, a Toronto-based counselling, research and employment agency. Started in 1971, it found new careers for more than 700 executives aged over 40 in its first five years of operation.



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"Was it wine, women or over-qualified?"

...the ability to adapt is not necessarily linked to chronological age

In interviews with Ted Weinstein, a former information officer with the Canada Department of Labour, three of the people associated with Forty-Plus of Canada said employers who favour young workers over more mature ones may be making a big mistake.

Jean Butler, executive director of the organization, Peter Moon, a Toronto management consultant, and Robert F. Morrison of the University of Toronto's Faculty of Management Study, have found discrimination against middle-aged workers in company hiring practices, but they say it is not as prevalent as is generally believed, and that it can be overcome.

Moon is highly critical of the way most employee selection is carried out. "If you got into a selection audit and found how judgments are made, who makes them, and how information is used and misused, it would make your hair stand on end," he contends.

He says the selection people who interview applicants often ask themselves such questions as: Is he likely to stay? Will his wife fit in? Is he of the right religion? Is he a company man? "But their first and foremost concern should be: Can he do the job," Moon argues, "because that is what the company will be paying him for."

Selection people often err by regarding a number of previous careers as an indicator of instability. "It may be, in the view of some personnel people, but they are not always right," he adds. "Too many employers permit the personnel office to select their staff members. The care and attention given to selection procedures and standards are minimal."

Moon points to turnover rates as one indication of the success of a firm's hiring practices: "Why does it take two, four or even six employees to keep some jobs staffed for one year? What does that say about the selection process, and about the reliability of the selection interview? "By letting this happen, senior managers are permitting the continuing attrition and squandering of human resources."

Instead of a simple interview procedure, Moon advocates a series of at least four different types of assessment, "concentrating attention on important dimensions of the job and the capabilities of the candidates." These assessments should not be left up to the personnel office. Instead, line managers would be trained for them, and the screening procedures should be related realistically to the requirements of the position, not to "artificial barriers" such as age.

Moon's view draws support from a 16-year study of hiring criteria headed by Herbert M. Greenberg of Princeton, N.J. Greenberg found that "the myth that younger people would have more drive, more energy, would be more open or have more growth potential simply does not hold up. What counts are the dynamics within a human being that either make him or her appropriate for a particular job."

The Forty-Plus organization is also undertaking a major research project on the ability of executives over 40 to adapt to change.

Robert F. Morrison of the University of Toronto who is heading the project, says little empirical data exist about middle-aged people, although developmental and social psychologists, along with educators, have studied children and young adults, and the discipline of gerontology has conducted research on aging. He agrees with Barron that public attitudes toward middle-aged people create problems. "Such attitudes have no basis in reality but are part of our society's mystique of youth."

How they look and how they behave plays a large part in their job search

Morrison's preliminary findings indicate that ability to adapt is not necessarily linked to chronological age but to such factors as self-esteem, personality autonomy and ability to cope with mental and physical stress — "and these factors do not discriminate according to age."

The Canadian Forty-Plus was started by Jean Butler soon after the death of her husband and after a visit to New York City to study the Forty-Plus organization in the U.S. Butler says in her battle against age discrimination she has found it easier to find new employment for younger middle-aged executives than for older ones.

"Difficulty seems to start at age 56," she points out. "It is frankly very tough for the 60 to 64-year-old, but not impossible. For example, we have seen the situation where a company has an heir-elect not quite ready to take over, so there is a berth for a 60-year-old who wants to work for only another few years. Or there

...most job seekers underestimate the time they will need to find a suitable job

are opportunities for project management. I think of a case where a company wanted some help to get its 'management by objectives' program off the ground — a perfect assignment for the older man."

Butler says her advice to older people on overcoming employer discrimination includes tips on how to dress and act: "How they look and how they behave plays a large part in their job search. We all know the lithe 50-year-old who keeps fit and dresses with some flair and style. He is alert and walks with a certain bounce. He enjoys working, and has realistic goals for himself for this third quarter of his life. Then we know the man — often younger — who looks wan and grey. He projects resignation. He simply 'seeks a job.' For him, the going is tough."

For the over 40s, the job search can take a long time — up to six months or even more. To Jean Butler, this is not a reflection on the person's skills but on many other factors, including the job market and employers' hiring methods. In some firms, head offices in the U.S. have to be part of the process, and this can lengthen the time.

Colin P. Davis, vice-president of Public and Industrial Relations Ltd. of Toronto and a member of the Forty-Plus advisory board, says most job seekers underestimate the time they will need to find a suitable job. Davis says one of the first tasks of the job seeker over 40 should be to review his personal and family finances and establish a budget covering a 12-month period. He says the entire family should be involved in this review: "One man I know just could not bring himself to tell his wife that he had been fired. So for several months he continued to leave the house every morning, complete with brief-case, and to return at the usual time in the evening. Meanwhile, his wife maintained her normal spending patterns — lunch with the girls at the club, entertaining at home, and a hefty bill for weekly groceries and the cleaning lady.

"Eventually, of course, he had to tell her, and was surprised to find that she would really prefer to be working again, and suggested that he might be happier doing something else, even if it meant less money."

Davis finds many job seekers are handicapped because their discharge has left them in a "negative" frame of mind: "One result of being fired is often a combination of anger, frustration and confusion," he observes. "It is only natural to be angry at the guy who fired you, but it will not help you if you keep telling everybody that the guy is a raving lunatic and ought to be fired himself. If you have been unfairly treated, especially in the area of severance pay, consult a lawyer. Otherwise, stop complaining and get on with the business of finding another job."

...positive attitudes toward older workers are becoming more common in Canada

Davis also advises unemployed managers to develop a "personal marketing plan." It should involve a "realistic assessment" of individual strengths, weaknesses, experience, abilities and over-all career and life-style objectives, as well as "a lot of thinking time, a knowledge of the career market-place and considerable research" into specific companies and industries.

He observes that keen, disciplined marketing people, "who would never think of marketing a product without utilizing research and testing techniques" often jump into the job market with nothing "but a list of six contacts and a badly written resumé."

Davis also recommends that executive job seekers try to obtain interviews with people in senior positions, preferably company presidents, and avoid personnel departments.

He contends that the over-40s must try harder to beat potential discrimination based on age, but

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"Don't look on it as forced retirement. Look on it as permanently awaiting reassignment."

there are indications that some employers are beginning to recognize stereotypes as mere myths. This realization is starting to happen at both executive and blue-collar levels. For example, security companies, which employ a large proportion of part-time workers, are finding that employees in the 40-and-over age bracket are usually more reliable than those under 24.

A 1974 U.S. survey found employers becoming "more aware" of the value of women over 45 as stable and dependable employees. Almost 27 per cent of 1,400 employees surveyed had worked for the same employer for at least three years, 20 per cent for five years and 9 per cent for 20 years or more.

Similar positive attitudes toward older workers are becoming more common in Canada, according to Art Tinker of the Edmonton branch of Technical Services Council. The Council, sponsored by 600 companies, publishes surveys of the Canadian labour market for professional and technical employees.

The Canadian Press news agency quotes Tinker as suggesting that the attitude of "hire the young, bright college graduate" is dying among many employers. One reason is a growing appreciation of older workers' attitudes toward work itself: "Basically the work ethic among younger workers isn't as effective as among older people. The older worker is more conscious of doing a good job and working harder."

Tinker says another reason for the changing attitude is the higher turnover of younger employees: "Older people have problems relocating. If you hire someone who is 50, you know he is not going to leave. A young college graduate is bound to leave within three to five years. An older employee stays on, and the company has the value of his experience."

Tinker argues that older people usually have an easier time in supervisory jobs: "Their age commands respect, whereas young people sometimes have difficulty."

"A young college graduate is bound to leave within three to five years"

The CP report also quotes a spokesman for an Edmonton auto parts firm as saying there are some jobs that only older workers can do effectively: "The young ones are bored with warehouse routine. And you don't have to worry about the older workers getting out of bed in the morning. They are usually more concerned about their job."

A Toronto woman, 55-year-old Grace Levia, found her age was an advantage when she was hired for her first full-time job after 33 years as a housewife and mother. "I was hired by two men, both younger than I am," she told the Women's Bureau of the Ontario Ministry of Labour. "They obviously could see value in me — responsibility and maturity that appear to be absent in younger people. I've got 10 years yet that I can give an employer."

Most of them are experienced, reliable, and skilled workers with many years to give to new employers

Grace Levia entered the full-time labour force, at the Bank of Montreal's central computer complex four years after separating from her husband and enrolling as a part-time student in honours political science at the University of Toronto. Thousands more women in the 45 to 64 age group are looking for work outside the home as their children grow up and the demands of the housewife-mother role lessen.

Tens of thousands of other older workers of both sexes have been thrown onto the rapidly changing Canadian labour market by a combination of technological advances, organizational restructuring, government spending cutbacks and slow economic growth. Most of them are experienced, reliable and skilled workers with many years to give to new employers. The personnel recruiter who discriminates against them may be doing a disservice to his own employer.

Anyone who doubts that such discrimination exists should ask himself: How many people over 40 has my organization hired in the past two years? lg

The B.C. Seagram dispute: one more example of bad labour relations

by George Dobie

The word is "mulish." It best describes negotiators for the Seagram Co. Ltd. and the Retail, Wholesale and Department Store Union (AFL-CIO-CLC). It is the reason that the second anniversary of the Seagram shutdown in B.C. is being "celebrated" this January on a lonely union picket line.

This dispute is one of the worst examples of obstinacy and perversity in B.C.'s labour relations history. First off, the company thought it could shut down the bottling section of its B.C. Distillery Co. subsidiary plant virtually without notice and right in the midst of tense contract negotiations. That set the stage for the two-year-old closure of the plant.

Later on, when a seemingly somewhat repentant management offered a couple of compromises, the union caught the terrible disease of intransigence. The result is that Seagram, the Montreal-based empire selling liquor around the world, does not sell any more in bountiful B.C. This may not matter much to a company of the vast proportions and dollar turnover of Seagram. It may not matter to British Columbians at all since they seem to be getting along buying other whiskies. It may not even matter too much to an international union the proportions of Retail, Wholesale that it will eventually lose a certification here. After all, Retail, Wholesale is tough. It has a reputation bigger than most unions hereabouts for driving a hard bargain.

George Dobie is a labour reporter for the Vancouver Sun.

But somehow, somewhere there must be a group of people or an institution that would conduct a deep investigation of this dispute, so that it can be held up as a shining example of how labour relations should *not* be conducted. Researchers and labour academics from some school should be assigned to take a penetrating look at the dispute and the multitude of questions surrounding the cause of the shutdown and the motives of the negotiators who let it happen.

For this occasion the best that can be produced is perhaps my own chronology that attempts to set up a framework, or draw a broad picture, of the in-fighting among the negotiators, and their heavy reliance on lawyer-power to try to win their labour relations battle.

This dispute is one of the worst examples of obstinacy and perversity in B.C.'s labour relations history

It seemed obvious from the beginning that the workers did not matter at all, although their union took the necessary and usual steps to pay for picket duty and find jobs for those who lost interest in ever getting back into the distillery.

Turn back the clock to the first week of March, 1975, when the announcement came from the management that the distillery in New Westminster, part of the Greater Vancouver Metro area, was closing the bottling section, putting 80 out of work. It was stated that Seagram would still make its whiskey here, but ship it back in barrels to bottling operations in the east, and then back again to appear in bottles on B.C. government liquor board shelves. It would be cheaper than what the company called its uneconomical, trouble-ridden bottling operation at the B.C. distillery. But the union would not buy it.

Retail, Wholesale's local 604 was right in the midst of bargaining for a new contract to replace the pact that was due to expire that May 31. The union responded with a charge that the company had instituted an illegal lockout, sent a complaint to that effect to the provincial labour relations board, but also set up a picket line. Naturally, another 80 production workers of the same union would not cross the picket line and the entire operation came to a halt.

The B.C. Federation of Labour, the provincial central labour body, was quick to come to the aid of one of its favorite affiliates. Within a matter of days, the federation called for a province-wide boycott of Seagram products by its 230,000 members of affiliated unions.

Ever since then, Seagram products have been "hot" in British Columbia and have not appeared on provincial liquor store shelves. Liquor store workers are members of the B.C. Government Employees Union, the federation's second largest affiliate, and are very alert regarding "hot" edicts. Just over a year ago they complained to the central body that they were becoming confused by the edicts covering more than 100 products of three companies, including Seagram, which were having labour problems at that time.

Within a month, the provincial labour board came down with a ruling that the distillery had carried out an illegal lockout, disclosing evidence that the 80 bottling plant workers had been terminated on 30 minutes' notice. Initially, the board merely sent the company a summary of its decision while the full document was being prepared. The company made a statement that its officials found the interim ruling to be ambiguous and it would wait for the full document before deciding whether to re-hire and re-open.

In a unanimous decision the labour board also found the unionists were involved in an illegal strike to protest the illegal lockout. Then the situation became even more entrenched when the union went to the B.C. Supreme Court seeking a contempt of court order be issued against Seagram for failing to obey the labour board. Within another month, the court rejected the union's case on grounds that the labour board order was not clearly defined.

It seemed obvious from the beginning that the workers did not matter at all

Then a strange development occurred. Seagram announced it was willing to take back the production workers to start producing whiskey again but it would not re-open the bottling plant. Instead, the company said it would pay the bottling plant workers their weekly cheques for doing nothing. And it did.

All these workers had to do was report to a desk in a warehouse near the distillery offices every day between 9 a.m. and 10 a.m., and make a report they had not found other employment. Some wits dubbed it Seagram security, similar to unemployment insurance and welfare. Some called it a unique layoff-with-pay scheme. Still others saw it as a bid to stay in the good graces of the labour board at least until the company had time to plan its next course of action in regard to the board's ruling.

The board took only a matter of days to re-define its order to re-open the plant and re-hire the workers, adding a rider that the company stop paying the people for doing nothing. Seagram still did not respond, saying merely that it was studying further legal action. The company went so far as to ignore an appeal by the influential Employers' Council of B.C. to abide by the board order. Seagram was not a member of the council which co-ordinates big business' industrial relations in this province, and saw no reason to change course at that point.

Unlike the first order which came about from a majority decision of three panelists, the re-defined order was unanimous. But Seagram still did not budge. It was the most defiant action of a company in B.C. labour history. Its next step in May — two months after the fight began — was to file a challenge in the Supreme Court against the constitutionality of the provincial labour code, which is administered by the labour board. The company challenged the protection the code gives itself from judicial review.

A faint sign of hope appeared when the parties agreed to return to the bargaining table while the court considered the question, but the talks went nowhere because the union insisted that the bottling plant be re-opened before anything else transpired.

The union lost the last battle before the courts

Two quick developments followed. The company was criticized by a Supreme Court judge for being "high-handed" in moving equipment out of the distillery while their case was being heard regarding the constitutional issue. The contract expired May 31, and two days later Retail, Wholesale put an official picket line around the plant. At that moment, the distillery stopped paying the laid-off workers their weekly net amounts for doing nothing. They were officially laid off. But the company made an offer to the union to open up a modified distilling and bottling operation with about 100 employees instead of the usual 160. The company announced the union rejected the

offer. The union never did comment, apparently treating the offer with disdain. Then an argument developed over whether it was a lockout or a strike. The company insisted it was a strike because it had never served lockout notice.

Researchers and labour academics...should be assigned to take a penetrating look at the dispute

On Friday, Sept. 5, Seagram vice-president Mel Griffith came West with an announcement that the union had turned down a final offer of an interim agreement, so the company had decided to officially close down the plant. Seagram said the union wanted a guaranteed level of employment that the company could not agree to. The union said it rejected the offer because the company made it in the form of an ultimatum.

The company held out some hope of getting its products back on the shelves of B.C. liquor stores, presumably bottled in plants in the East. But the union fired back that it would keep picketing the distillery and would start pressing for an international labour boycott of Seagram products.

The average British Columbian's biggest interest has centered on the fact that about 15 million gallons of whiskey have been caught behind the picket line. It is sitting there aging in barrels. In addition, 50,000 cases of bottled products are stacked up waiting to go nowhere. Seagram experts said there is practically no limit on how long the whiskey can remain in the barrels. Time does not hurt whiskey, they pointed out.

The union lost the last battle before the courts. In July last year the Supreme Court of B.C. threw out its application to find the company in contempt of court for not obeying the labour board order to re-open the bottling section. The court found the company had not breached the order because the union had previously authorized a strike. It noted that the union had served 72-hour strike notice two days before the order was issued.

The union briefly considered an appeal but dropped it because of the obvious fact that now there was a lawful strike-lockout in force and the federation's "hot" declaration was still effective. At one point, Retail, Wholesale became perturbed with the parent Canadian Labour Congress for not quickly following up the B.C. edict. Eventually the CLC came through with a national boycott but Seagram products are still getting onto the shelves of liquor outlets outside B.C.

In B.C. the boycott is really an order from the central labour body that union workers not handle Seagram products. Across the country, the national boycott by the CLC is more of a request that affiliated unionists refrain from purchasing Seagram products for their own use. It seemed obvious from the outset that the CLC could not force Seagram products off the shelves in provincial labour jurisdictions outside B.C. Anyway, Seagram announced that its net earnings went up to $89.5 million for the fiscal year to July 31, 1976, an increase from $74.1 million for the previous fiscal year. The B.C. "hot" edict and national boycott obviously were not having too much effect on one of the country's biggest corporations.

On Feb. 26, 1976, the size of the workforce was down to about half

Seagram went so far as to ignore an appeal by the influential Employers' Council of B.C. to abide by the board order

of the original 160 as the pickets "celebrated" the first anniversary of the shutdown. The number has been dwindling ever since, with the holdouts conducting their lonely vigil from a camper parked near the main gate of the plant.

Last summer, Seagram lawyers made some initial plans to apply to the provincial labour board to take advantage of an amendment to the provincial labour code, which would allow the board to invalidate a "hot" declaration.

The former New Democratic Party government had brought in the code in 1973 but remained in power only three years until the end of 1975. The new Social Credit government brought in the amendment.

Seagram won't explain why it has hesitated to go ahead with the application, although concern over how the Canadian labour movement might react is believed to be one reason.

The most recent development came on January 21 this year when the Retail, Wholesale union announced it had re-opened new discussions with Seagram's in an attempt to end the dispute. However, five days later, Seagram's announced that the property had been sold to Abacus Cities, a prominent Canadian real estate development company, and that the sale "put an end to any speculation that the plant would eventually re-open." lg

Observations on Canada's compulsory grievance arbitration system

by C. Brian Williams

Canada's system of compulsory grievance arbitration is one of the more notable and indeed unique aspects of public policy in Canadian labour-management relations. The requirement that collective bargaining agreements provide not only for a grievance review system, but also that this process terminate in arbitration has been with us as public policy for more than 30 years. In addition, we are one of the few — if not the only country — that has committed itself so completely to such a system. However, more recently, some of our jurisdictions have moved to a greater degree of voluntarism in the way the system functions.

The July 1940 issue of *The Labour Gazette* mentions the tabling in the House of Commons of order-in-council PC 2685, which was "a declaration by the Government of Canada of principles for the avoidance of labour unrest and for the regulation of labour conditions during the War." Following a lengthy statement of the philosophy and principles in which the government addresses the issue of the quality of labour-management relations, the order-in-council lists some specific principles "for the avoidance of labour unrest during the War...."

Principle No. 8 is of particular interest. It reads as follows: "That every Collective Agreement should provide machinery for the settlement of disputes arising out of the Agreement, and for its renewal or revision, and that both parties should scrupulously observe the terms and conditions of any agreement into which they have entered." The introduction of this principle and the tabling of the order-in-council in the House of Commons on June 20, 1940, marks the commencement of Canada's commitment to the compulsory grievance arbitration process.

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The events leading to the formulation and passage of PC 2685 date from June 13, 1940. As reported in several issues of *The Labour Gazette*, a conference was held on that date, attended by the prime minister, members of his cabinet, and representatives from the Canadian trade union movement to discuss the adoption of principles for the avoidance of labour unrest and the regulation of labour conditions during the War.

The events of these months and the orders-in-council that were produced are landmarks in the evolution of public policy in the Canadian labour-management field. Their importance should be measured in two ways: From 1900 to 1940 the central focus in Canadian public policy was dispute settlement through the application of a compulsory conciliation system. Note that during this period little attention in public policy was given to the question of labour-management recognition except as an implicit issue within the process of compulsory conciliation and that no attention had been devoted in public policy to procedures for enforcing the collective agreement. The principles of PC 2685 and a regulatory system established to implement these principles under PC 1003 represented a distinct and abrupt turning point in Canadian public policy construction.

It would appear that the source of compulsory grievance arbitration principles is unknown

A review of the principles of PC 2685 and the regulations under PC 1003 clearly suggest that the bulk of the principles on regulations have their origins in earlier provisions adopted in the Wagner Act of 1935 and its predecessors in the United States. The central thrust of this legislation focused on the recognition and unfair labour practice issues. With respect to compulsory grievance arbitration, there are no such identifiable principles, although there is indeed evidence that such a system had been proposed and indeed discussed by Canada's public policy designers, and had earlier been discussed by the public policy designers in the state of Wisconsin.

It would appear that the source of

compulsory grievance arbitration principles is unknown. However, it is highly probable that it was born somewhere in the many discussions held throughout 1940. In the absence of evidence to support the possibility of a transference from a practice adopted elsewhere, it is probably not only unique but also represents a uniquely Canadian commitment to it.

The record supports the proposition that the commitment of public-policy designers in terms of origins and intent are at least as strong with respect to compulsory grievance arbitration as it was to compulsory conciliation. However, while the government, in support of that commitment, nourishes and

Our compulsory grievance arbitration has been the subject of considerable recent examination and...sharp criticism

provides a competent and effective conciliation service, there has not been — nor is there now — a similar commitment with respect to compulsory grievance arbitration. In fact, compulsory grievance arbitration has always been left to the private functioning and resources of the parties. This is where the problem starts. There is a case in support of direct government contribution to the successful functioning of our compulsory grievance arbitration system.

The latter has been the subject of considerable recent examination and in some cases sharp criticism that has emanated for the most part from the trade union movement, employees who have participated in the system, and to some extent from employers. While the nature of this criticism covers a broad spectrum of issues, the most frequently cited include the cost of arbitration, delays in hearings and in issuing awards, and denial of access by a grievor to the grievance procedure.

It is clear that the establishment of the system as a public policy clearly intended that the arbitration process would be reasonable

Federal arbitration services

The Arbitration Services Unit was established in October 1975 within the Federal Mediation and Conciliation Service of Labour Canada, following the departmental reorganization program.

One of the major responsibilities of the unit is the processing of requests directed to the minister of labour for the appointment of arbitrators and arbitration board chairmen in grievance disputes when parties to a collective agreement are unable to agree on the selection of an arbitrator or a board chairman.

The Canada Labour Code requires that all differences between the parties arising during the term of a collective agreement must be resolved without stoppage of work. In most cases, the parties are able to resolve such differences without having to resort to arbitration. In the majority of cases where grievances do go to arbitration, the parties are able to agree on the choice of an arbitrator or arbitration board chairman. When, however, they can not agree on the choice and request that the minister of labour appoint someone to act, the Arbitration Services Unit studies these requests and recommends to the minister the names of qualified, independent arbitrators or arbitration board chairmen to hear the grievances. For this purpose, the unit maintains and periodically revises an extensive inventory of qualified arbitrators across Canada.

In assisting the labour minister to effect the appointment of arbitrators or arbitration board chairmen, Arbitration Services contacts and maintains contact with the parties to obtain any necessary information pertaining to particular grievances and the circumstances giving rise to requests for appointment. At the direction of the labour minister, arbitrators are contacted to determine their availability and willingness to act in given cases suited to their qualifications and geographical location within the country.

Arbitrators or arbitration board chairmen appointed by the labour minister are asked to file a copy of their awards with Arbitration Services. Arbitration Services, moreover, has the responsibility of maintaining and systematically indexing all awards received from parties and arbitrators which have been rendered under the Canada Labour Code. Although the code does not contain a requirement that arbitral awards be filed, a significant number of awards rendered pursuant to it are in fact submitted to Arbitration Services on an ongoing basis, as a result of informal requests. Specific awards of special interest to parties and arbitrators are made available to them on request.

In addition, Arbitration Services publishes a monthly circular entitled the *Arbitration Services Reporter* (formerly called the *Labour Case Reporter*) containing summaries of recent and significant arbitral awards rendered pursuant to the Canada Labour Code, as well as a comprehensive list of — and pertinent information on — all awards rendered under the code and received in the unit during the previous month. Distribution of this publication, however, is limited to practicing arbitrators and governmental agencies across the country.

The unit plans, develops and implements a continuous research program into labour legislation, cases, policies and practices relating to the grievance arbitration process in Canada, with emphasis on the private sector under federal jurisdiction.

—Allan J. Torobin
Arbitration Services Unit, Labour Canada

Arbitration today is costly, slow-moving, and increasingly restrictive in terms of gaining access to it

in costs, speedy in its deliberations, and readily available. Arbitration today is costly, slow-moving, and increasingly restrictive in terms of gaining access to it. In practice, rather than a state of increasing confidence in the system, we are experiencing rapidly deteriorating confidence in it and no one seems to be prepared to do anything about it. Indeed, some have concluded that decreasing confidence in the grievance arbitration system has contributed to our higher levels of labour-management unrest and industrial uncertainty.

There is a vast difference in our responsibilities for stewardship in grievance arbitration voluntarily agreed to under the provisions of a collective agreement and a compulsory grievance arbitration system acting as an instrument of public policy in labour management relations. Probably, there is no greater measure of its consequences, and of the responsibilities we have to it than to remind ourselves that the quid pro quo of compulsory grievance arbitration is the prohibition on strikes or lockouts during the term of the collective agreement. Surely, a grievance arbitration system that has been devised to act as a substitute for the right to strike or lock out is deserving of more care and attention than we are currently showing it.

Those of us who are involved in any way in the grievance arbitration process have the responsibility not only to look closely at the propositions and arguments raised above, but also, to ask those of similar mind to join with us in efforts to raise the credibility and quality of our grievance arbitration process to a level that meets or exceeds the public policy responsibilities placed upon it.

First and foremost, in order to obtain this credibility, the respective jurisdictions must acknowledge their responsibilities in providing stewardship in the administration of their grievance arbitration system. With respect to the kind and degree of government involvement, there is little difference between what is called for here and what has existed for years in our compulsory conciliation system. This role is appropriately one of providing funding and administrative support for the grievance arbitration system.

Second, Canada needs a private, nationwide regulatory body to provide assessment and acknowledgment of credentials of those claiming qualifications of a professional labour-management arbitrator; continuing labour-management arbitration education through seminars, workshops, and conferences; and control of entry into the profession by establishing minimum credentials and programs through which individuals can obtain them. Canada also needs to establish national, uniform arbitrator fee schedules and to assist the publication of all arbitration awards in Canada which would contribute to the development and codification of arbitration jurisprudence. An organization similar in structure and function to the National Academy of Arbitrators or the American Arbitration Association, both of which operate effectively in the United States, might be worth establishing.

Third, greater emphasis and concentration on labour-management arbitration in the curriculums of all labour-management relations courses and programs — whether management or labour sponsored — is required to upgrade the proficiency of those who participate in the grievance arbitration process and to more fully identify issues and define the role of the grievance arbitration process as an instrument in the enforcement of the collective agreement.

...some have concluded that increasing lack of confidence in the grievance arbitration system has contributed to...labour-management unrest and industrial uncertainty

In summary, our system of compulsory grievance arbitration is in fact a proscription of public policy, our system for administering it should at least match its status and role as a major public policy requirement in Canadian labour-management relations. Without a more positive administrative framework, the system is not doing what its designers had hoped it would, particularly when viewed as a substitute for the public policy proscription against the right to strike during the term of the collective agreement.

The reputation and acceptance of our grievance arbitration process is rapidly deteriorating and it is incumbent on all of us associated with it to see that the trend is quickly and decisively reversed. Because our compulsory grievance arbitration system is a statement of public policy, we must look first to government for leadership and direction in this field. lg

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Does it matter who arbitrates? —a statistical analysis of arbitration awards in Ontario

by Jeffrey Gandz and Peter J. Warrian

Labour arbitration in Ontario is an adjudicatory process in which the arbitrator or arbitration board is expected to make an award on the basis of evidence presented, reasoned arguments and the language of the collective agreement. It is assumed to be an objective process.

The idea of arbitrator bias, however, is a recurrent theme in conversations with management personnel, union representatives and labour lawyers involved in arbitration. Often, those involved in arbitration to a significant extent will keep a "racing form" of impressions on the most frequently used arbitrators, and are guided by these impressions in their selection of arbitrators.

Not many people involved in arbitration appear to keep precise data on past cases, although some do keep such aggregated statistics. It is also probable that many are influenced by the outcome of one or two important (to them) cases which form the basis of their overall impressions.

Despite the frequent talk about arbitrator bias, and a few references in the literature, there has not been any data presented to indicate whether or not such a bias exists. The purpose of this short, preliminary study is to test the hypothesis that there is a systematic bias among arbitrators, with certain arbitrators consistently favouring one side or the other.

Jeffrey Gandz is a PhD candidate in the faculty of administrative studies at York University, and Peter J. Warrian is a legislative representative with the United Steelworkers of America in Toronto.

The sample for this study consisted of all awards filed with the Arbitration Commission in Ontario in the period January 1973 to June 1976 which were summarized in the Commission's monthly bulletins; a particular case may have contained more than one award if multiple issues were involved. The sample was limited to approved, experienced arbitrators and did not include cases arbitrated by permanent umpires who did not file awards with the Commission.

A total of 3,000 awards were analyzed to determine the identity of the arbitrators, the issue, and whether or not the award favoured the union or management. An award which lessened the action taken by management was considered to be favourable to the union. The coding of the issue and the interpretation of the award was carried out by one of the authors, an experienced participant in arbitration cases.

A total of 47 arbitrators were involved in the 3,000 awards made. The data confirmed previous reports of the concentration of awards among few arbitrators — 76 per cent of the awards were made by 13 arbitrators with the seven busiest accounting for 61 per cent of the cases.

Discharge, other disciplinary matters, and questions of seniority accounted for 45 per cent of all the cases. There was a significant difference in the unions' win ratio for different types of issues, with the union faring very badly on seniority and overtime grievances.

Comparisons were made between the busiest seven arbitrators on the incidence of their decisions favouring the union position. In order to make a statistically useful and valid comparison, the analysis was limited to those arbitrators processing more than 100 cases.

Table 3 shows the wide spread between arbitrators, with those favouring the union position consistently doing so over all three issues. To determine if these differences were significant, a comparison between each pair of

TABLE 1

ARBITRATOR CASE LOAD

Cases per arbitrator	Number of arbitrators
0 - 50	34
51 - 100	6
101 - 200	4
201 - 300	0
301 - 400	3

arbitrators was made. The differences between arbitrators, in terms of percentage of awards favouring the union, were tested with a t-test of proportions on the null hypothesis. The results are summarized in Table 4.

Similar results were obtained when discharges, discipline cases and grievances involving seniority were analyzed separately. The small number of other cases processed by the arbitrators precluded analysis of other issues.

The data presented in this paper tend to support the contention that there is a systematic bias among arbitrators which inclines them toward favouring one side or the other in arbitration cases. The assumption in the analysis is that cases are assigned to arbitrators randomly and that arbitrator 03, for example, is not consistently getting cases which, on their merits, would tend to be won by the union while arbitrator 02 is consistently getting cases which would, on their merits, be won by management.

The data presented in this paper tend to support the contention that there is a systematic bias among arbitrators

We do not have the data to test this assumption of random allocation although further research, currently in progress, will enable the assumption to be validated by controlling for other variables. It is the opinion of the authors that, while allocation of cases may be somewhat skewed, the skewness would not in itself produce variations of the magnitude noted in this study.

There are dangers in analyzing the ways in which arbitrators work on the basis of their decisions for or against the parties alone. Nevertheless, the magnitude of the differences between arbitrators reported in this study suggests that those involved in arbitrator selection would do well to continue to pay close attention to the published data on awards. It should also serve to provide some factual basis for understanding trade unions' occasional cynicism about the arbitration process, and their antipathy toward certain arbitrators. lg

TABLE 2

MAJOR ISSUES IN ARBITRATION

Issue	No. of cases	% of cases	% won by union
Discharge	627	20.9	53.0
Discipline	373	12.4	48.5
Seniority	357	11.9	28.6
Overtime	179	6.0	30.7
Grieve. proc.	174	5.8	52.9
Wage dispute	149	5.0	36.1
All others*	1,019	34.0	—

**Each less than 4% of total issues.*

TABLE 3

AWARDS FOR THE UNION (%)

Arbitrator	All issues	Discharge	Discipline	Seniority
01	39.6 (154)	50.0 (27)	47.2 (17)	24.5 (12)
02	33.0 (122)	38.4 (28)	42.0 (21)	15.6 (7)
03	39.2 (147)	48.9 (44)	34.1 (15)	30.6 (15)
04	42.7 (79)	65.9 (27)	55.9 (19)	31.6 (6)
05	54.2 (91)	70.6 (24)	61.1 (11)	44.0 (11)
06	29.8 (54)	28.3 (13)	23.5 (4)	26.3 (5)
07	34.4 (54)	56.5 (13)	42.3 (11)	16.7 (3)

Numbers in parantheses are the actual number of awards favouring the union.

TABLE 4

COMPARISONS BETWEEN ARBITRATORS

(ALL ISSUES)

	Arbitrator						
	01	02	03	04	05	06	07
01	-	6.6	0.4	3.1	14.6**	9.8*	5.2
02	-	-	6.2	9.7*	21.2**	3.2	1.4
03	-	-	-	3.5	15.0**	9.4*	4.8
04	-	-	-	-	11.5*	12.9*	8.3
05	-	-	-	-	-	24.4**	19.8**
06	-	-	-	-	-	-	4.6
07	-	-	-	-	-	-	-

* p .05 ** p .01

Numbers in this table refer to the differences between arbitrators in the percentage of their awards favourable to the union.

Grievance arbitration — Newfoundland's search for "a better way"

by R.G. Hattenhauer

Prior to becoming Canada's tenth province, Newfoundland did not adhere strictly either to the British or to the North American model of collective bargaining. Its government labour policy was still merely permissive — rather than supportive — except for certain Second World War regulations which prohibited strikes and provided for compulsory settlement of interest disputes.

Labour policy became supportive of trade unions in 1950 when the first Labour Relations Act was passed. For all practical purposes it was a copy of the federal Industrial Relations and Disputes Investigation Act. With the adoption of the 1950 statute, collective agreements became binding for at least one year and provision had to be made for the settlement of rights disputes during the term of the agreement, "by arbitration or otherwise." This Act thus compelled both management and labour to abandon the traditional pressure techniques for the settlement of grievances during the term of their agreements and to accept the decision of a neutral third party as final and binding as a normal component of the collective bargaining system.

At the time it joined Confederation, Newfoundland was even less industrialized than it is now. The only well-developed unions were found among railway employees and in the pulp and paper industry. Miners and lumbermen were organized by unions which repeatedly moved from independent status to national or international affiliation and vice versa. Construction trade unions had limited success. The fishing industry was all but untouched by trade union organizations, and small unions — often without international affiliation — were formed among employees of small local manufacturing or service establishments. The unions frequently disappeared and were revitalized several times in a few years. When the 1950 Act came into force both management and union representatives were faced with a new set of ground rules and had to learn gradually to live with the sudden change in their respective rights and privileges.

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By the mid-1960s there were still misunderstandings about the functioning of the collective bargaining system. Many practitioners on both sides of the table had not yet recognized the value of a smoothly-functioning grievance procedure, including rights arbitration. Relatively few arbitration cases were heard, and neither management nor labour seemed to be entirely satisfied with the process.

The suggestion to establish a provincial panel of arbitrators was favorably received

However, by the mid-60s Newfoundland management and labour representatives had begun to develop a more sophisticated approach to the challenges of day-to-day labour relations. With a more mature approach to collective bargaining, individuals on both sides began to look for ways to improve the system and viewed with particular interest the Nova Scotia experiment in labour-management co-operation. Informal discussions were held over the years, and in January 1969, representatives from labour and management took the first step to use the mechanism of province-wide labour-management co-operation to improve rights arbitration in Newfoundland to their mutual advantage.

A meeting was called under the auspices of the Institute of Social and Economic Research at Memorial University of Newfoundland, and an open invitation was extended to labour and management representatives and other interested parties from across the province to attend this first meeting. The intention was that labour and management should be invited to meet on neutral ground and discuss a subject of mutual interest in a setting that would avoid personality conflicts and other similar problems, which so often block frank communication between an employer and the bargaining agent

representing his employees. The first meeting was attended by 50 representatives from across the province. The document placed before this meeting proposed that:

- a panel of arbitrators be set up — on a regional basis if necessary — with appointments to this panel to be made jointly by management and labour;

- representation be made to the provincial minister of labour to accept this panel officially as the provincial panel of arbitrators;

- the parties themselves make their selection from this panel when single arbitrators or arbitration board chairmen were needed;

- it be understood that, if no agreement could be reached, the labour minister be asked to make his appointment from among the panel members.

The advantages that such a panel of arbitrators could offer the parties were outlined as follows:

- The often lengthy and discouraging search for an arbitrator could be considerably shortened, if not entirely eliminated.

- Since the panel would probably have a relatively stable membership, increased familiarity of arbitrators with Newfoundland business and labour conditions would lead to more equitable decisions.

- More experienced and better trained arbitrators should give better overall decisions.

- Operating such a panel would bring arbitrators in contact with each other, and that should lead to more consistency and comparability in the decisions made by the various panel members.

- A training system for new arbitrators could be established to avoid the undesirable results which are inevitable when new arbitrators are developed through the trial-and-error approach.

- The form and basic content of arbitration decisions could be standardized, eliminating the unsatisfactory award which gives little or no reasoning for the ultimate decision.

Arbitration hearings were to be conducted as informally as possible, with no more legal trappings than absolutely necessary

- Panel members could be required to file all decisions at a central location so that a reference file of Newfoundland arbitration cases could be built up for the use of all concerned.

- Prior knowledge of the principles and reasoning which arbitrators are likely to apply — based on past decisions — would probably cause fewer grievances to go to arbitration, and more problems might be settled in direct discussions between the parties concerned.

- The scale of fees could be fixed, giving the parties advanced knowledge of probable costs involved in arbitration cases.

- Membership of the panel should remain under the control of labour and management, and a method of reviewing the performance of individual arbitrators could be provided to assure that panel members who might be clearly unsuited — for such reasons as obvious bias or persistent lack of care in award preparation — could be removed. A condition for serving on this panel would be that the arbitrators agree to abide by these guidelines and that they not serve as nominee for either side on arbitration boards.

The suggestion to establish a provincial panel of arbitrators was favorably received, and the participants decided to appoint an exploratory committee to study the proposals further and to report its findings to another meeting in the near future. This committee consisted of three representatives from labour and three representatives from management, with a neutral third party as chairman. At a meeting in May 1969, the exploratory committee recommended to a plenary session that the panel idea be accepted for implementation, and at that meeting the Newfoundland and Labrador Labour-Management Co-operation Committee (LMCC) was officially launched. An executive committee was appointed and instructed to proceed with the establishment of the panel of arbitrators, to seek the co-operation of the provincial department of labour, and to report back to a third plenary session of the LMCC as soon as possible.

The executive committee invited nominations for panel members from all across the province, and on the basis of background investigation and personal interviews, the committee eventually established a panel of nine arbitrators out of a total of more than 20 nominations. It was agreed that panel members' performance should be reviewed every two years. Concerning the form and content of arbitration decisions, the committee agreed that decisions were to be handed down within a reasonable period (30 days) after the conclusion of the hearings and that the final award should contain the names of the parties to the dispute, the time

The labour-management committee has been operated by labour and management...without direct involvement of third parties

and place of the hearing, a statement of the grievance, a statement of the parties' submissions, full and complete reasoning by the arbitrator, and the ultimate decision. Arbitration hearings were to be under the control of the chairman and were to be conducted as informally as possible with no more legalistic trappings or technicalities than absolutely necessary. One copy of the completed award was to be filed with each of the parties concerned, with each board member (where applicable), with the provincial department of labour, and with the Centre for Newfoundland Studies at the Memorial University Library. The schedule of fees at that time was set at $200 per diem (now $300) plus out-of-pocket costs.

The objective of developing new arbitrators through some formalized training program was achieved by adopting a system under which trainees would be appointed in the various geographic regions, preferably on recommendation by labour and/or management representatives. Chairmen were to be required to notify trainees of arbitration hearings scheduled in their area of the province, and the trainees then were expected to attend the hearings at their own expense and to submit their draft award to the executive committee. Each such award was to be submitted to two panel members who would be expected to give a written critique that, in turn, was to be supplied to the trainee, the reviewers' names being withheld.

While the executive committee was involved in developing these specific components of the panel system, communications with the department of labour were continued, and it was ultimately agreed that the department would provide the necessary facilities to establish and operate a central filing system for all arbitration awards received under the LMCC guidelines.

At its next full session in February 1971, the LMCC adopted a new constitution and re-organized the executive committee so that all its labour members would be appointed by the Newfoundland Federation of Labour and the management members by various interest groups, (one by each) such as the Chamber of Commerce, the Construction Association and the fishing industry. The new constitution also provided that the chairman and the secretary of the executive committee be elected from among the appointed members of that committee rather than from among outsiders. From that time on, the Newfoundland LMCC has been operated by labour and management representatives, without direct involvement of third parties. At this plenary session, the recommendations of the executive committee were adopted with minor changes. For example, the session decided against a biannual review of the panel. Instead, the executive committee was to present at each annual meeting of the LMCC a new list of arbitrators recommended for appointment to the panel.

A panel of trainees was established in short order. A one-day seminar for trainees has been conducted to provide them with some theoretical background to labour arbitration. To date, three trainees have been added to the panel of arbitrators after having satisfied the executive committee that they had reached a satisfactory level of competence. These additions to the panel were, to some extent, counterbalanced by previous panel members withdrawing for a variety of reasons. Some found that the process was too time-consuming while others discovered that rights arbitration was not what they had expected it to be. The membership of the Newfoundland panel of arbitrators now stands at 10.

At the outset, the secretarial work for the LMCC was provided through the Institute of Social and Economic Research. Later, the executive manager of the Newfoundland Board of Trade agreed to serve as secretary to the executive committee and to provide the necessary clerical

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services through that board's office. Eventually, the executive committee decided that the LMCC should be financially self-supporting. The members of the committee serve without remuneration of any kind, and labour and management representatives usually find it possible to arrange their normal work schedule so that they can attend committee meetings without incurring additional expense. To cover the cost of clerical services and mailing and duplicating expense, a $20 (now $25) "fee" has been requested from the principals for each member of the executive committee. To date, this system of financing the committee has worked reasonably well. However, the provincial minister of

manpower and industrial relations has recently agreed to provide a small annual grant to enable the LMCC to engage in new activities which might improve and support labour-management co-operation in the province and further strengthen the concept of the panel of arbitrators.

In order to realize some of the potential benefits of the panel system, a meeting of arbitrators had been suggested some time ago but it was not until late 1976 that the first meeting of all panel members was convened to discuss problems and to deal with complaints which labour and management representatives had taken to the executive committee.

Besides the establishment of a training procedure for new arbitrators and the regulation of fees, the Newfoundland experiment in labour-management co-operation has succeeded in realizing most of the hoped-for benefits. The list of panel members has been widely distributed in union and management circles, and it is being used by the provincial authorities when a request for the appointment of an arbitrator is received. Nominees usually have accepted the fact that the list is their best source for a board chairman, and more and more collective agreements are negotiated to include a short list of the panel (usually 3 or 4 members) who are called on in alphabetic order when a grievance is referred to arbitration. The arbitrators having been selected beforehand, the machinery can be set in motion as soon as the final grievance meeting is concluded and the union decides to proceed further.

Notwithstanding some initial administrative problems, the central filing system is now in operation and available as a reference source for industrial relations practitioners and researchers. The department of manpower and industrial relations has maintained the topical index which had been adopted by the executive committee, and it plans to publish periodically summaries of all awards received.

...the panel of arbitrators has definitely proven its value

Form and content of decisions are — with minor variations — standardized and follow the guidelines adopted by the LMCC, and there appears to be general consensus that the overall quality of arbitration decisions handed down in Newfoundland has steadily improved since labour and management have taken a direct interest in this matter by approaching the problem on a macro — rather than a micro — level.

When the LMCC was formed in 1969 the hope was expressed that — following the establishment of the panel of arbitrators — labour and management might turn their attention to other areas in which they might co-operate to their mutual advantage. The panel concept — although welcomed by almost everyone — was more difficult to translate into reality than many of its supporters had expected, and there simply were not enough resources available to develop and pursue other projects. However, with the introduction of the 1976 proposals for a new Labour Relations Act and a new Labour Standards Act, another opportunity was given to show whether labour-management co-operation could work. At the 1976 annual meeting, the LMCC accepted a number of recommendations put forward by the executive committee, concerning changes in the Labour Relations Act, and as matters now stand, there is good reason to expect that the new Act will be modified as a result of representation made to the minister by the executive committee.

The Newfoundland LMCC has been in existence for slightly more than eight years. Although the collective bargaining system in Newfoundland has not undergone any spectacular basic changes and no breakthrough in the search for a "better way" in industrial relations has been made, much credit is due to the labour and management representatives in this province who refused to abandon the idea that labour and management can effectively co-operate in certain problem areas and do not have to be adversaries.

The Newfoundland LMCC has had its problems and trials. Apathy and criticism from all quarters at times appeared to be truly insurmountable obstacles. However, the LMCC has survived and its major project — the panel of arbitrators — has definitely proven its value notwithstanding the fact that there is considerable room for improvement. At this time it can only be hoped that some of the skeptics can find the courage to become involved and — with their active support — enable the LMCC to become a more effective means for the improvement of labour-management relations in this province. lg

Worker participation and the quality of life: a behavioral analysis

by A.D. Boyd, A.C. Gross, and E.G. Wertheim

Improving the quality of life by making work more "meaningful" appears to be a widely shared notion and is a major common element to the many thrusts in industrial relations in both Europe and North America. However, it is probably true that the gradual improvements in the intrinsic aspects of work that have occurred are due more to technological factors and to increased education of workers and managers than to the efforts stemming from social policy.

It would seem that if social policy with respect to the experience of work is to play any significant part in shaping the nature of the future complex organization, it will have to be based much more on the systematic analysis of the relationship between the individual and the job, the meaning and consequence of the experience of work, and on the knowledge gained from existing experiences in job reform and worker participation.

If history provides some lessons in this area, the very successes of social policy in traditional industrial relations will generate rising expectations with regard to what the work experience should provide. Unfortunately, over-enthusiastic advocates of participation and its various forms have created some false expectations with respect to the probable short run impact on such outcomes as job satisfaction and performance. Reports of failures in efforts such as job enrichment, job design, works councils and worker control are becoming common. Ideology, far more than practical considerations, has shaped social policy on worker participation.

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For years, many social observers have held that work should have intrinsic meaning and that social policy in industrial relations should be aimed at least partly, at the job itself. For the most part, however, improvements that have occurred through industrial relations have related more to the improved position of the worker as consumer than of the worker as producer. While the conditions surrounding work have improved immensely, chanles in the psychological aspects of work can probably be related more to the requirements of changing technology than to changes in the underlying values as to the "right" of an individual to a satisfying job.

Reports of failures in efforts such as job enrichment, job design, works councils and worker control are becoming common

There have been strong ideological pressures for work reform since the 19th century. Yet conditions today are probably more supportive than ever of significant reform in the nature of work. Advanced technology appears to encourage some decentralization and increased participation. Also, as relative educational and economic conditions of workers improve, non-economic concerns seem to increase in salience, at least for some workers. If there is a tradeoff between improvement in the quality of working life and economic gains, affluence makes it increasingly easier to make the tradeoff in favor of the quality of working life.

Increased worker participation is one common theme in the suggestions to improve the intrinsic quality of work life. Suggested forms for this participation vary greatly and a number of frameworks for the various forms of participation have been developed. Participation can be formal such as in works councils, or informal, such as in "human relations management." Participation can vary in scope from increased influence over the immediate workplace to increased participation in managerial decisions. Competence can vary from advisory and veto rights, to actual decision-making authority.

There is by no means universal support among unions for efforts to improve the quality of work life through increased participation. American labour has expressed

interest in increasing the worker's control over the workplace but has little interest in participation in management. [L.G., Sept. '76, p.473] The ideology of some European labour movements is strongly opposed to any form of worker participation in managerial decisions.

Yet virtually all surveys of participation suggest that although the demand for participation will increase, the issue will not be whether participatory schemes should be developed, but will center more on understanding the dynamics of participation and understanding the circumstances under which various schemes might work.

Social policy in industrial relations demonstrates a sophisticated understanding of the relationship between extrinsic elements of work and the quality of life. It is tempting to suggest that intrinsic elements of work are likely to have a similar direct consequence on the quality of life. This does not appear to be the case.

Most research on the intrinsic quality of work has focused on the notion of job satisfaction. The typical logic has been that if various needs of the individual were satisfied — such as esteem, recognition and achievement — then the individual would experience job satisfaction resulting in outcomes such as increased performance, lower absenteeism and turnover, and other non-job related responses. Job characteristics that appear to lead to motivating conditions are: skill variety; task identity, or the degree to which the job requires completion of an identifiable piece of work; task significance; autonomy; and finally, the degree to which the job provides information about performance. While these conditions have been

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empirically shown to explain some of the variation in human response to the job, unfortunately, they do not explain very much of this variation.

There may be many reasons to increase worker participation in its various forms, but insofar as one of the reasons is to increase an individual's sense of autonomy, task identity, and responsibility, the literally thousands of studies of worker satisfaction since the Hawthorne Studies cannot create much optimism as to the consequence of increased participation on the individual's affective response to the job.

Furthermore, studies of job satisfaction do little to explain why surveys of job satisfaction among workers typically conclude that for the most part, workers are "satisfied," would continue to work even if they did not have to, and generally consider their present job their best. J.R. Hackman and his associates have moved a bit in the direction of explaining this by considering individual differences as moderating the job characteristic-satisfaction relationship. In an article in the *California Management Review,* Summer 1975, Hackman suggests that individuals with a "high need for growth" will respond to a motivating job. Again this notion helps, but not very much. William Form, in an article in *Social Forces,* Sept. 1973, stated the situation rather bluntly when he noted that "most workers find satisfaction out of work; workers seem to ignore the recommendations of social scientists that they should hate their work."

A broad explanation of why conscious efforts to change the conditions of work are not likely to result directly in an individual's felt experience of work was suggested by J. Goldthorpe et al. in a conclusion to a study of British workers entitled *The Affluent Worker: Industrial Attitudes and Behaviors,* published by Cambridge University Press in 1968:

There is in fact no direct and uniform association between immediate, shop floor work experience and employee attitudes and behavior. This is because the effects of technologically determined conditions of work are always mediated through the meaning that men give to their work and through their own definitions of their work situation, and because these meanings and definitions in turn vary with the particular sets of wants and expectations that men bring to their employment.

Michel Crozier, in *World of the Office Worker,* published in 1965, also concluded that, contrary to his expectations, the French office workers he studied were not directly affected by the objective job conditions, but "perceived and experienced work in ways profitable to themselves in dealing with the environment." William Form found, in a cross-cultural study of auto workers, that for those workers for whom work was a "central life interest," conditions of work were important determinants of job satisfaction and presumably of the quality of life in general. However, few workers considered work a central life interest and for those people, conditions of work played a minor role in the felt quality of life. Such

people are not particularly alienated, although on many criteria used by social scientists, they would be. They adjust their behavior to the setting by varying the degree of commitment according to the specific features of the setting that are attractive to them.

Worker representatives often lack the training to handle many issues

These studies suggest that worker participation and other job reform schemes implemented in the hope that the worker's feelings about himself, his organization, job and life will change are based on an overly simplistic notion of the worker's affective response to the job.

Satisfaction of needs for recognition, esteem, and achievement tended to be pursued outside of work and through the worker's children. Hence the salience of work as a central life interest tended to be lowered, and whether or not work was objectively alienating seemed to be of little consequence.

This argument is not offered as a refutation of the idea of worker participation. To the contrary, we suggest this as one approach to understanding some of the inherent limitations of existing systems of participation. This behavioral approach suggests some ways of making existing participatory schemes more effective.

Since the Hawthorne Studies, literally hundreds of studies have provided evidence of the benefits of participation and increased control over the job. (For a review of these studies see P. Blumberg, *Industrial Democracy,* New York, Schocken, 1969.) These studies have provided much of the behavioral foundation for the development of worker participation schemes. However, the overall results of these schemes suggest the extreme difficulty of translating legal, externally imposed structures into actual changes in the individual experience of work.

In relation to the many stated and implied goals of participation, there are certainly many positive developments to point to. As a minimum, participatory mechanisms have provided another form of co-operation. The broad experiences in participatory schemes since World War II have gone a long way toward building an ideological foundation from which effective structures of participation can emerge. The surveys generally support the notion that increased influence and control (especially at the shop level) are desired. Furthermore, an increased perception of control appears to result in higher levels of job satisfaction. The problem is, however, the failure of most programs of co-operation to have any perceived impact on the individual's experience of work.

The most obvious shortcoming with respect to changing the nature of work is that, so far, those issues identified as critical components of job satisfaction are rarely discussed in the participatory mechanisms. For example, a survey of the topics discussed in 75 works councils in Belgium showed almost total concern for the more traditional extrinsic aspects of work.

The ongoing process of the works council or other representational body has also been frequently identified as a major problem. Most discussion centers around employees bringing up specific questions and case situations and management responding to these issues. For those employers or employees who are not highly committed to the concept of co-operation, it does not appear difficult to turn the council into a meaningless exercise. Worker representatives often lack the training to handle many issues.

Worker representatives have great difficulty obtaining information in financial, marketing, and personnel areas, where at least such information exists. There are problems stemming from the isolation of the worker representatives from the rank and file. Laws often bind the representative to secrecy. It is not surprising to find that workers in most countries have only a vague notion of what the councils or their representatives do.

While there may be support for the ideal of co-operation, neither management nor the unions are very willing to yield some of their prerogatives

The power of the participatory mechanisms is extremely limited. These mechanisms are typically superimposed on well-entrenched existing systems of industrial relations. While there may be support for the ideal of co-operation, neither management nor the unions are very willing to yield some of their prerogatives. Both sides appear to have the ability to undermine the participatory mechanisms if it is their desire.

Emery and Thorsrud, in a study of industrial democracy in Norway,

(*Form and Content in Industrial Democracy,* London, Tavistock, 1969) conclude that for a higher level of participation to be successful (works councils or board representation) there has to be a foundation of employee participation and control of day-to-day activities.

This point explains, perhaps, the apparent relative success of those experiments to directly influence the organization, structure, and control of work. While this form of worker participation may do little to achieve the stated ideological goals of European advocates of participation, it may have a much stronger direct impact on the quality of work life.

Efforts to directly restructure the design of work are becoming increasingly popular in Europe and North America. The reports of these experiments, along with many studies in the United States, Canada and Western Europe of such areas as job enrichment and socio-technical design, are certainly encouraging.

This form of participation is aimed not at representational bodies but directly at the worker and the job. Typical experiments have involved the establishment of autonomous work groups, team-determined management, flexible task assignments, and decentralized decision-making in technical and personnel areas. Also, vertical loading, or the integration of the planning and controlling of work along with the "doing" of the job is attempted. Successful experiments along these lines have been reported in the United States, England, Canada, Norway and Sweden, and India.

Direct redesign of work has yet to become a major concern for unions

These programs have the advantage of self-selection. The programs typically take place where top management is strongly predisposed toward the idea. Effort is made to ensure that support is widespread before innovations are implemented. It is questionable whether results of job enrichment experiments would be much different from those of participation through representation if job enrichment were implemented primarily through legal systems.

Direct redesign of work has yet to become a major concern for unions, although recent events suggest this is changing. For example, unions in Germany and Italy have recently won contracts specifying the reduction of monotonous work through changes in manufacturing methods. Similarly, unions in Norway and Sweden are participating actively in programs designed to humanize work by making it more meaningful and participative. Examples of similar sentiments can be found in pronouncements of labour in Canada and the United States.

The experience of introducing increased participation and control through collective bargaining and union-sponsored programs is very limited. Consequently, we know very little about the possibilities and problems of change via this approach.

Some broad conclusions can be drawn. Ideology is probably already supportive of various forms of job reform. Increasingly complex forms of technology also seem to support decentralized control. However, joint efforts to improve the nature of work will have to stem not only from ideology and technology but from the requirements of the economic and social situation. It is also clear that for co-operation to occur, parties to this co-operation must be fairly equal in power in terms of legal rights, access to information and skill.

Imposed mechanisms of participation can fairly easily be circumvented in the absence of strong commonly shared notions of the value of intrinsic job satisfaction among all parties in industrial relations. Consequently, effective social policy in this area will probably not occur until there are some profound shifts in attitudes on the part of management and workers.

For there to be a shift toward developing intrinsic job satisfaction through formal or informal participatory mechanisms, there must be commonly accepted methods of measuring and evaluating this aspect of the work experience. Until this development occurs, the problems of the intrinsic job satisfaction remains a vaguely defined idea with unclear solutions. The difficulty of participatory bodies to deal with even well defined situations highlights the problem. lg

The foregoing was condensed from a paper presented at the International Industrial Relations Association congress in Geneva, September 1976.

Issues in comparative research on labour and work democratization

by Steven E. Deutsch

Although there has been discussion for some time about the comparability of industrial nations of the world, nowhere is the question more clearly relevant than in the cross-national interest of recent years in the matter of work. This is the result of some obvious trends among the Western European and North American states.

There has been a rapid increase in technological rationalization, productivity and leisure. There are continuing manifestations of worker discontent, absenteeism, low morale, labour turnover and industrial relations strife. As a consequence, the issues related to what has become known as the quality of working life have become pronounced.

The inquiry transcends market economies. Business executives in the United States have become interested in Yugoslav self-management, trade unionists in West Germany have examined developments in East Germany and other socialist states. Moreover, a substantial amount of research has been shared among the industrial nations of Western Europe and North America. One of the difficulties of assessing much of this literature is that there are varying assumptions. Clearly the stress upon efficiency, productivity and similar managerial concerns is not the same as that which would underscore worker involvement, worker participation and control.

Why is it that industrial societies, having achieved high levels of productivity with a rationalized technology, have come rather uniformly to recognize problems of work? What is the pattern which connects the approaches to industrial democracy, workplace reorganization, self-management, participation on the shop floor and other such concerns? Finally, what are the challenges and the possibilities of extrapolating generalizations from one or more societies and applying them elsewhere? That is, may we truly take the Yugoslav self-managing system of industry and expect that it be applicable to technocratic non-socialist states? Will the Scandinavian experiments apply in North America?

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The movements for social change which were increasingly widespread in the 1960s came to a considerable extent to overshadow the realities of the workplace. Yet, the 1960s closed with increasing evidence of worker discontent related to patterns of economic insecurity, the threat of job displacement and insufficient job expansion, the rising mood of racial unrest and press of movements for racial justice.

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The 1970s rushed in with a rage of issues affecting labour. Some concern continued over automation. but larger economic issues of job security, rising unemployment, and inflation became dominant. Suddenly "blue-collar blues" became part of the media vocabulary. Statistics demonstrated the rise in work stoppages and labour disputes. Journalists reported the changes among disaffected young workers and the bases for wildcat walkouts.

A new theme began to dominate: there was a new generation of workers, those who were removed from the pre-union and Depression periods and who came to maturity in the 1960s with a mood of anti-authoritarianism. Here there is an interesting mix, for there is both the stress on new values of the "counter-culture" and disdain for traditional values, and the recognition of old ideas centered around social relations at work, control over work life and participation in decision-making in all spheres of one's life.

The 1970s demonstrated a resurgence of interest in blue-collar workers by American social scientists, and a dramatic rash of inquiries and commentaries on wildcat strikes, labour insurgency, and worker discontent ensued. The proportions of discontent were of such magnitude that finally a U.S. government-commissioned study was launched.

During the past few years there has been much concern about the interplay between intra-organizational work issues and the macro-concerns of the economy and society. It has primarily zeroed in on the workplace. Yet with the crisis of high structural and cyclical unemployment, high inflation and work insecurity, there is a growing political impetus for governmental legislation to address the macro-economic foundations of discontent.

The idea of industrial democracy is not new in the U.S. It has developed within a voluntary ethos and the recent emphasis is largely in response to the crisis of work life. Interestingly enough, although there are considerable variations between the North American and European situations, there has been a strong interest in comparative perspectives within the United States, with much attention being given the various developments in Europe. This is reflected by growing case studies, tours of European plants, growth of managerial and union organizational studies of European industrial problems and self-management organizations. In contrast to the dominant earlier view which argued for the unique features of North American industrial relations, there has evolved a strong interest in comparative analyses with likely efforts to extrapolate from experiences in Europe and apply hybrid lessons in the North American context.

Social historians and labour economists have long argued that the North American situation differed from that in Europe [LG, August '76]. European trade unions were seen as more socially conscious, politically active, and the product of a more rigid class structure. Yet, in recent years, the alleged reductions in class differences and political commitments

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among European workers has not been demonstrated.

There have always been factions of European workers who were militant in their outlook, and there surely is some continuity between protest voting in the past and the growth of left wing parties in Italy and France today. However, the responses have shifted. We might well expect more factory takeovers as in the French Lip watch plant or the Dutch Breda-Enka plant — cases whereby workers occupied and took over plant operations as concerted protests to decisions unilaterally taken by management. In the past, workers may have been led to trust collective bargaining efforts to stall the closing of a factory, now there is growing evidence that workers may be moved to collective action. In this, there is indeed a parallel to the wildcat walkouts in the United States.

To be sure, the developments in organizational and work-life democracy are a reflection of the socio-political system, as illustrated by the dramatic but short-lived experiments under the Allende regime in Chile. What is striking is the complex network of legal and structural changes in the Western European countries. Yet it is crucial to recognize that although the crises in the Western European market economies have led to a strong social unionism, a rise in left wing political movements and a legal apparatus which has moved strongly to facilitate worker participation in management, there are still important differences between the nations of Western Europe and the socialist states, particularly Yugoslavia, with its constitutional system of self-management.

Aside from the judicial bases of worker participation, there are variations reflecting the philosophic underpinnings. There are real differences between workers' control and the earlier forms of industrial management with current popular manifestations amongst the North American and Western European techno-bureaucrats. What has emerged in recent years has been a tradition in Western Europe and North America which builds on the most humanistic theories of organization and advocates "job redesign." This allows for job enrichment, in which workers have more interesting work, jobs are varied and rotated, and there is greater work involvement. But, most fundamentally, there are no reallocations of power, and participation without power clearly suggests co-optation. The co-optive forces in the U.S. go beyond management but include the corporate state and unions.

The literature is by now voluminous on country case studies documenting efforts to democratize the workplace, but it is important to note that in most cases there is a voluntaristic climate or one modestly shaped by the legal apparatus of the state. In contrast, post Second World War Yugoslavia has been built on a constitutional foundation with a socialist commitment to the creation of a democratic and self-managing society.

The Yugoslavs have developed a self-analysis that is impressive. Many Yugoslav social scientists

have examined the internal contradictions of the system, the empirical gaps between theories of industrial democracy and the practice of decision-making in Yugoslav enterprises. It seems clear that the government is committed to making self-management work and is utilizing social science research to evaluate and improve the system. The underlying rationale for the system of self-management is outlined in a number of reports produced in Yugoslavia. Most are available in English, which is especially important in light of recent interest in the West in possible applications of the Yugoslav experiment.

An important complement to the Yugoslavian literature is the recent work by foreign analysts who have particularly addressed the ways in which self-management has operated to decentralize power and give workers greater control at the local level. One of the chief products of the system of workers' councils has been to effect an economic-political system which is both decentralized and still co-ordinated through a mechanism of national planning. At the same time, this has been a source of internal conflict and the empirical work has especially addressed this dilemma.

The problems of workers' participation in Yugoslavia include a variety of dimensions. For example, one government report indicates that, "The main difficulty in efforts to consistently develop the system of profit-making has been uneven conditions of income earning. Figures show that there are sizable differences in income per employed worker between various economic groups, branches and activities, and they are not always a result of difference in the productivity of labour." (Sarajevo Conference Report, 1971:4).

My interviews with researchers and trade unionists suggest that this pattern is known and acknowledged, and that one of the conflicts in the system derives from such perceived differentials in rewards, reflecting regional and plant variations. The problem of equalizing reward structures in socialist states is clearly relevant here.

Another problem that is empirically revealed by research revolves around differentials in actual participation. Variations such as party membership and educational background are related not only to income, but to relative levels of influence and decision-making power. Some of this research is just becoming available, and while first phases showed high levels of interest in participation, follow-up studies have indicated recognition by workers of differential participation and decision-making power.

...all Western European countries have in recent years experienced major developments in worker participation

The conclusion is that internal conflict will inevitably arise as gaps between theory and practice of self-management are perceived. The conclusions from the growing literature examining the Yugoslav practice of self-management are not entirely clear. On the one hand there is evidence that industrial democracy has been well developed and that some important innovations have been implemented. At the same time, the empirical studies do point out some of the conflicts in the actual operation of the system and some of the dilemmas posed not only for the Yugoslavs, but for others looking to their experiment.

Of course workers' participation is not a panacea. Those who, for example, examine only the rise in productivity, miss the point. Yugoslav researchers have abundantly indicated the problems of efficiency, cynicism, and the gap between reality and theory, but the evidence is also clear that worker alienation has been reduced by self-management, and that increased participation does alter worker-citizen attitudes and behavior. The openness of the Yugoslavs in conducting self-analysis and criticism makes it even more important that industrial states, especially those in the West, understand their situation and its implications for all industrial societies.

A major observation today, contrasted with a decade ago, is that worker militancy and organization in Europe and North America has tended to stress social goals, the legitimacy of worker participation, and the connection between quality of work life and general social expression of control. There is a strong tendency among union movements in the industrial nations to search for longer term strategies for organizational change which activate workers to seek control over their lives — in the workplace and without.

Research in Norway has led to the conclusion by J.M. Elden that, "We have consistently found that democratized authority structures result in more workers attempting to control their own lives, both in the plant and beyond." ("The Work Revolution," *Working Papers for a New Society* 1, 1973).This seems to be validated by several studies in the United States, and gives credence to the push for reformist strategies.

When workers have come together

Some aspects of industrial relations research in Canada

by Shirley B. Goldenberg, Jean Sexton, and H.D. Woods

Some scholars take an interdisciplinary approach to industrial relations as a field of study in itself, others are involved in research and teaching impinging on various aspects of a particular discipline such as economics, law, history, political science, sociology and psychology. Although this review of research is based on a broad definition of industrial relations, which includes all aspects of the world of work, space limitations have forced us to be very selective.

We have classified the material under a few broad headings representing major areas of research. Within these classifications we have confined our references principally to books and published reports.

Most of the significant contributions to industrial relations research in the past three years, as in the preceding period, have originated in government or the universities. Unions and employer organizations, with few exceptions, confine their research to data collection designed to meet the needs of particular bargaining situations and/or the preparation of highly subjective briefs to government and public commissions of inquiry.

There are no independent institutes of industrial relations research in Canada although research relevant to industrial relations occasionally is carried out under the auspices of private agencies engaged in economic research, such as the C.D. Howe Research Institute in Montreal.

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Jurisdiction over labour relations is divided between the federal government and the provinces and both levels of government conduct research on a regular basis as well as from time to time commissioning special investigations. Studies carried out by the research staffs of the federal government departments of labour and manpower are largely for internal use, but a number are fairly widely disseminated for public information[1], as are studies sponsored by government agencies such as The Economic Council of Canada[2], Statistics Canada[3], and the Pay Research Bureau[4].

Government-commissioned inquiries continue to enlarge knowledge in the field and to provide academics with research opportunities for which funds might otherwise be lacking. Virtually all the public investigations in the past few years have been undertaken in response to specific problem situations, such as a strike or violence in a particular industry[5], or with a view to introducing policy changes in an area — the public sector for example[6]. This was generally the case in previous years although there have been a few exceptions where the mandate to the investigators was much broader, such as the 1968 Report of the Task Force on Labour Relations, and the Report of the Royal Commission on Labour Legislation in Newfoundland and Labrador, in 1972. Even within the universities, the main emphasis is on problem-oriented research. Attempts at theory are the exception.

Although most of the major works on the development of unionism in Canada were written before 1972, the last three years have continued to produce interesting research on the organized labour movement, particularly on its ideological orientation[7]. Some of the earlier writing dealt with the political involvement of the mainstream labour movement in Canada[8] as well as with some of the unique factors that marked the development of union ideology in Quebec[9]. It is clear from these earlier writings that the political involvement of Canadian unions, as well as their attitude at the bargaining table, was based on a philosophy of gradual reform rather than a rigid ideology of class confrontation. Recently, however, a coalition of unions in Quebec has been challenging the legitimacy of the political and

to assess their powerlessness at work and in the community, they invariably have begun the process of becoming mobilized and activated. Perhaps nowhere is the connection between job and neighborhood-community control clearer than around issues of the environment. Our experience suggests that workers are very much able to discern control in work arenas and its ties to decision-making in the community over matters such as economic growth, costs and benefits of pollution, and the overall quality-of-life factors.

A comparative perspective has become much more commonplace in the past decade, both for researchers and those engaged in various aspects of the economy and industrial nations. The connection between quality-of-life concerns and workers' control has been argued by English socialists and Chinese communists. Americans in labour and industry have been increasingly sensitive to the issues and the developments in other countries. The striking thing is that most of the arguments for reform in terms of worker participation in the American context already exist in some variant form in Western Europe.

It is clear enough that the North American situation differs from Yugoslavia but this is not a socialist-capitalist dichotomy. From worker representation on corporate boards and opening enterprise records to the public to shop-floor works councils and programs of worker education, the situation in Western European market economies does differ significantly from the North American situation. The projection into the future would indeed suggest that increased sharing of the results of industrial experiments will continue — these will likely be management-

...internal conflict will inevitably arise as gaps between theory and practice of self-management are perceived

prompted, some with union collaboration.

The national quality-of-work-life and productivity research program in the United States illustrates this, but there also is likely to be more and more attention given to developments across national boundaries as they affect each society. While students in the 1960s were protesting university bureaucracy and the role of the university in the wider society at Berkeley, students at Paris, Kent, Belgrade and Rome were listening and responded in equivalent terms. While some workers in Uppsala have expressed themselves on some issues, others in Detroit have paid attention. While workers in West Germany continue to push the system of co-determination, and the French expand the role of worker education, English trade unions have paid considerable attention. The worker participation prospects are difficult to specify, but the genie once out of the bottle is not likely to return.

One of the realities which we need not speculate about is the shift in market sectors, the growth of white-collar workers and the public or government employment sectors in North America and Western Europe. These are labour force categories in which unionization has expanded considerably in countries such as the U.S., or where the unions have strengthened their position, such as Sweden.

Of course, there is a long historical debate over the role of white-collar workers, the equivalence of class consciousness for office and factory worker, and the logical unfolding of worker organization among white collars. What is certain is that generalizations about workers and worker participation and the role of labour in the coming years cannot be built with an exclusive view toward workers in the manufacturing sectors of industrial economies.

One important dimension which varies across national boundaries is the critical role of the state in economic planning beyond the realm of the enterprise. Comparative research needs to take this into account, and the contrast between Eastern and Western European nations reflects this factor. Yet there is considerable evidence of similarities of factory systems across economic-political structures.

A few years ago, Adolf Sturmthal outlined worker participation in the United States in the June 1969 issue of the *International Institute for Labour Studies Bulletin* and implied that the American system of free collective bargaining could not provide for greater levels of participation, yet we have seen important developments within the U.S. in the past decade — even some push for greater national economic planning. Systems closely allied to the U.S., such as Canada, have shown experiments with great potential, and the gamut of non-socialist Western European nations have demonstrated how far experiments have been able to go within the limitations of allegedly market economies. To be sure, the system of co-determination and various worker participation schemes in the West differ significantly from the Yugoslav system of socialist self-management. lg

The foregoing was condensed from a paper presented at the International Industrial Relations Association Congress in Geneva, September 1976.

economic system. This politicization of the labour movement in Quebec has attracted considerable research interest, and formed the subject matter of a 1972 conference at Laval University[10].

The effect of a politicized labour movement on collective bargaining in the public sector has been dealt with in a number of studies[11] and could be a fruitful area for additional research. More research is also indicated on the subject of strains and tensions in the organized labour movement in the rest of Canada. These strains are reflected in the phenomenon of breakaway groups from American-based international unions that have long been dominant in Canada. Other rivalries and schisms provide further fields for fruitful research.

Industrial relations as a field of study continues to emphasize the collective relationship, but other aspects of the world of work, whether or not in a unionized context, have recently been receiving considerable attention, notably by behavioural scientists. This reflects a growing concern in Canada, as in other industrialized countries, with the problem of worker alienation and its consequences for industrial relationships. However, in spite of a considerable body of research in progress on attitudes toward work and work relationships, the published material to date has been confined largely to journal articles[12]. This explains why the teaching of personnel administration, organizational behaviour and related subjects, which has seen a dramatic upsurge in recent years, still relies almost entirely on American texts. Three books on organizational behaviour are currently in process of publication. Although much of the theory and methodology on which they rely was developed in the United States, the cases and other data are Canadian and reflect some distinctive Canadian problems.

The collective bargaining literature in Canada has covered a wide range of material on the structure, process and results of bargaining both in general terms and in relation to particular industries or sectors. Most of the major industry studies, whether public investigations or private research, predate the period with which this paper is concerned[13]. However, the construction industry, which generated the most research in the past, continues to be the subject of study. Two government-appointed commissions of inquiry have recently reported[14], the report of another is still to come[15], a good summary analysis of construction industry studies has recently been published[16] and another, dealing in some depth with the unique Quebec experience of centralized bargaining in construction, is due to be published soon[17].

...the main emphasis is on problem-oriented research. Attempts at theory are the exception

The question of unionization and the adoption of bargaining by new groups such as white-collar, professional, and government employees has added a new dimension to the labour-management relationship, brought new issues to the bargaining table and created some policy problems as well. There is remarkably little published material on white-collar bargaining as such, reflecting the limited bargaining experience by this group, particularly in the private sector.

Collective bargaining by professional workers, on the other hand, has been the subject of several serious studies[18]. A major portion of the program of the 1975 conference of The Canadian Industrial Relations Research Institute was devoted to the relatively new phenomenon of collective bargaining by university faculty[19]. [LG, Oct. '75] This is still a controversial issue in Canada and an area in which future research may be expected. Although much of the research on public sector bargaining has focussed on policy issues, there have been some interesting studies of bargaining experience by public employees in Quebec[20], and the federal government[21].

The problem of work stoppages has been a prominent theme in the collective bargaining literature. This has most frequently taken the form of studies of particular strikes. Most of these studies appeared before the period under review[22]. Two have recently been translated into English, having originally been written in French[23].

Labour history was long neglected as a separate field of study although many of the earlier studies of the labour movement as well as studies of particular strikes may be regarded as labour history in a general sense. Recent research on the Winnipeg General Strike of 1919[24] reflects the development of labour history as a separate field of study, carried out largely in history departments and using the research methods of historians. The relatively new and growing interest in labour history is also reflected in a number of recent publications on the earlier stages of labour and working class history, apart from the organized labour movement[25]. The

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publication of the first annual bilingual journal of labour history under the auspices of the Canadian Historical Association appeared in 1976.

Labour economics, as distinct from industrial and employee relationships, has been the subject of research by Canadian scholars for a considerable period of time. Its major preoccupation is with labour supply, including population studies, the changing labour force participation, and the influence of factors such as immigration and emigration on the changing quality of the working population, also with labour demand and the interaction of supply and demand in the labour market.

As with most Canadian research in industrial relations, government agencies have been especially important in manpower studies, both through staff research and as sponsoring agencies. Much of the work on manpower problems and the development of manpower policies predates the period under review. However, some recent publications show that interest in the subject has continued. A significant recent trend is toward manpower program evaluation and a critical examination of the methodology of evaluation.

The question of tradeoff between unemployment and inflation has attracted the attention of economic analysts for a number of years, some of whom have recently been giving increasing attention to the validity of the Phillips curve or indeed even to its existence as employed by some econometricians[26]. A valuable symposium by a group of scholars in Quebec universities recently examined the inflation problem in both the economic and social contexts[27].

Closely related to the problem of inflation, and of major concern to economists, is the issue of incomes policy which has been the subject of earlier research. The recent (1975) introduction of an anti-inflation program in Canada involving, inter alia, strict controls on wages may be expected to open the door to an expansion of economic analysis, also to research on the implications of a policy of wage control on collective bargaining and on industrial relations in general. A collection of recently published readings[28] contains reprints of articles on earlier Canadian experience, as well as the experience of foreign countries, with wage and price controls and guidelines; also reprints of previously published articles on basic principles and issues in wage and price controls. The readings were selected to provide perspective on the current anti-inflationary program which is also discussed in some detail.

Industrial relations research has probably been strongest in the policy area, much of it generated by government-commissioned inquiries. While a few of these inquiries have covered the entire spectrum of labour relations, the majority have been concerned with particular problems or areas. The most comprehensive public inquiries were conducted before the period under review, as were some of the more noteworthy

Industrial relations research has probably been strongest in the policy area...

studies of particular problems and areas. However, problems in particular industries such as construction continue to generate public inquiries and academic research as does the ongoing debate on appropriate bargaining mechanisms between employers and employees in the public sector.

The most comprehensive of the scholarly works on public policy appeared more than a decade ago but has recently been revised and updated[29]. Other policy research has tended in the past and continues to be selective, with dispute settlement remaining one of the major concerns. Other subjects that were studied earlier and continue to generate research interest include, inter alia, the problem of the appropriate bargaining unit, particularly in construction; the issue of

displacement through technological change; and the issues involved in rights arbitration — the latter being a particularly important aspect of public policy, given the almost complete prohibition in Canada on work stoppages during the term of a collective agreement.

The recent inquiries in Quebec and Ontario arising from violence and corruption in the construction industry reflect a concern with the protection of civil liberties, a subject of some earlier scholarly writing. Much, though not all, of the policy research on particular issues such as civil rights, the use of injunctions, and arbitration, has been the work of legal scholars some of whom have also done interesting comparative analysis of labour legislation. The interest in comparative analysis arises from the fact that there is separate labour legislation in each of the provinces and at the federal level, under the system of decentralized federalism in Canada. In spite of considerable consistency between jurisdictions on fundamental principles such as freedom to associate and bargain collectively there are also significant differences in the coverage of the laws, dispute settlement provisions, and other administrative devices.

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1. The following are published regularly by the Canada Department of Labour: *Collective Bargaining Review* (Monthly), *Industrial Relations Research in Canada* (Annual), *Labour Organizations in Canada* (Annual), *Strikes and Lockouts in Canada* (Annual), *Women in the Labour Force* (Annual).

2. I.R. studies sponsored by the Economic Council of Canada include Jean-Réal Cardin, *Canadian Labour Relations in an Era of Technological Change,* 1967; Paul Malles, *The Institutions of Industrial Relations in Continental Europe,* 1973, and *Employment Insecurity and Industrial Relations in the Canadian Construction Industry,* 1975; Gérard Hébert, *Les Relations du travail dans la construction au Québec,* forthcoming.

3. Statistics Canada publishes the *Annual Report of the Minister of Industry, Trade and Commerce* under the Corporations and Labour Unions Returns Act. It also collects, analyzes and publishes statistics on occupational characteristics of the labour force, labour force participation, wage rates, seasonally adjusted employment figures, etc.

4. Studies by the Pay Research Bureau include comparative wage rates and analysis of collective agreements for information of the parties bargaining in the federal public service. Quarterly analysis of Federal Public Service Agreements is distributed regularly.

5. The most notable of these recent inquiries were in the construction industry in Ontario and Quebec, respectively. See Harry Waisberg, (Commissioner), *Report of the Royal Commission on Certain Sectors of the Building Industry* (two volumes), Toronto: Queen's Printer, 1974, and Robert Cliche (Président), Brian Mulroney, et Guy Chevrette, *Rapport de la commission d'enquête sur l'exercice de la liberté syndicale dans l'industrie de la construction,* Québec: Editeur officiel du Québec, 1975. See also the very valuable supporting studies for the Cliche commission *(Receuil des Annexes du rapport de la commission d'enquête sur l'exercice de la liberté syndicale dans l'industrie de la construction,* Québec: Editeur officiel du Québec, 1975).

6. Jacob Finkelman, *Employer-Employee Relations in the Public Service of Canada,* Ottawa: Information Canada, 1974.

7. Irving Abella, *Nationalism, Communism, and Canadian Labour: The CIO, The Communist Party and the Canadian Congress of Labour, 1935-56,* Toronto: University of Toronto Press, 1973.

8. Gad Horowitz, *Canadian Labour in Politics,* Toronto: University of Toronto Press, 1968.

9. Louis-Marie Tremblay, *Le syndicalisme québécois: idéologies de la CSN et de la FTQ, 1930-1970,* Montréal: Les Presses de l'Université de Montréal, 1972.

10. Gérard Dion, ed., *La politisation des relations du travail.* XXVIIe Congrès des relations industrielles de l'université Laval. Québec: Les Presses de l'Université Laval, 1973.

11. For one of the most valuable studies of collective bargaining in the public sector in Quebec, see Jean Boivin, *The Evolution of Bargaining Power in the Province of Quebec Public Sector (1964-1972),* Québec: Département des relations industrielles, Université Laval, Les Presses de l'Université Laval, 1974. See also Shirley B. Goldenberg, *Labour Relations in Quebec: Past and Present,* Kingston, Ontario: Industrial Relations Centre, Queen's University, 1975, Reprint Series No. 28.

12. The few published volumes may be noted as exceptions, e.g., J.J. Loubser and M. Fullan, *Industrial Conversion and Workers' Attitudes to Change in Different Industries,* Study No. 12, Task Force on Labour Relations, Ottawa: Queen's Printer, 1969; William A. Westley and Margaret W. Westley, *The Emerging Worker,* Montreal: McGill-Queen's University Press, 1971.

13. The Federal Task Force on Labour Relations commissioned some interesting industry studies. See, inter alia, Stephen G. Peitchinis, *Labour-Management Relations in the Railway Industry,* Study No. 20, Task Force on Labour Relations, Ottawa: Queen's Printer, 1967; Ruby S. Samlalsingh, *Broadcasting, An industry Study,* Study No. 1, Task Force on Labour Relations, Ottawa: Queen's Printer, 1968.

14. Supra No. 5.

15. James Kinneard, Report of a Royal Commission on Construction in British Columbia, forthcoming.

16. Malles, Supra No. 2.

17. Hébert, Supra No. 2.

18. The first serious studies of professional bargaining were commissioned by the Federal Task Force on Labour Relations (Shirley B. Goldenberg, *Professional Workers and Collective Bargaining,* Study No. 2, Task Force on Labour Relations, Ottawa: Queen's Printer, 1968; J. Douglas Muir, *Collective Bargaining by Canadian Public School Teachers,* Study No. 21, Task Force on Labour Relations, Ottawa: Queen's Printer, 1968). See also Frances Bairstow; Hélène LeBel; Bryan M. Downie, and Archie Kleingartner, *The Professional Employee in the Public Service of Canada,* Montreal: Industrial Relations Centre, McGill University, 1972.

19. The papers presented at this conference have been published in Relations Industrielles, Vol. 30, No. 4 (1975). For the first study of faculty bargaining in Canada, see B.L. Adell and D.D. Carter, *Collective Bargaining for University Faculty in Canada* (Kingston, Ontario: Industrial Relations Centre, Queen's University, 1972), English and French.

20. Boivin, Supra No. 11.

21. Finkelman, Supra No. 6, made his recommendations for amendments to the law in the light of bargaining experience. L.W.C.S. Barnes and L.A. Kelly, *Interest Arbitration in the Federal Public Service of Canada, Kingston,* Ontario: Industrial Relations Centre, Queen's University, 1975, Research and Current Issues Series, No. 31 discuss the resort to arbitration under the bargaining experience to date. Barnes *(Consult and Advise: A History of the National Joint Council of the Public Service of Canada, 1944-1974,* Kingston, Ontario: Industrial Relations Centre, Queen's University, 1975, Research and Current Issues Series, No. 26) also discusses the evolution of consultative relationships, both before and after the adoption of formal collective bargaining.

22. For the most thorough study of industrial conflict see Stuart Jamieson, *Times of Trouble,* Study No. 22, Task Force on Labour Relations, Ottawa: Queen's Printer, 1968. Also Jean Francoeur, ed., *En grève,* Montréal: Editions du Jour, 1963, for a collection of articles on some of the major strikes by the French labour movement (CNTU) in Quebec and a more recent collection of readings, Irving Abella, ed., *On Strike, Six Key Labour Struggles in Canada 1919-1949,* Toronto: James, Lewis and Samuel, 1974.

23. P.E. Trudeau, ed., *La grève de l'amiante,* Montréal: Cité Libre, 1956. Trans. by James Boake, *The Asbestos Strike, Toronto: James, Lewis and Samuel, 1974; Evelyn Dumas, Dans le sommeil de nos os,* Ottawa: Editions Leméac Inc., 1971. Translated by Arnold Bennett, *The Bitter Thirties,* Montreal: Black Rose Publications, 1975.

24. Kenneth McNaught and David J. Bercuson, *The Winnipeg Strike: 1919,* Don Mills, Ontario: Longman Canada Ltd., 1974; David J. Bercuson, *Confrontation at Winnipeg,* Montreal: McGill-Queen's Press, 1974.

25. See, inter alia, Noel Bélanger et Jacques Bernier, *Les travailleurs Québécois: 1851-1896,* Montréal: Les Presses de l'Université du Québec, 1973; Jacques Rouillard, *Les travailleurs du coton au Québec (1900-1915),* Montréal: Les Presses de l'Université du Québec, 1974; Gregory S. Kealey, *Hogtown: Working Class Toronto at the turn of the Century,* Rev. ed. Toronto: New Hogtown Press, 1974; Jean De Bonville, Jean-Baptiste Gagnepetit: *Les travailleurs Montréalais à la fin du XIXe siècle,* Montréal: Editions de l'Aurore, 1975; Steven Langdon, *The Emergence of the Canadian Working Class Movement, 1845-1875,* Toronto: New Hogtown Press, 1975. The following represent the first specialized bibliographies of primary sources in working class history; Russell G. Hann; Gregory S. Kealey; Linda Kealey, and Peter Warrian, *Primary Sources in Canadian Working Class History 1860-1930,* Kitchener, Ontario: Dumont Press, 1973, and André Le Blanc et James D. Thwaites, *Le Monde ouvrier au Québec;* bibliographie rétrospective, Montréal: Les Presses de l'Université du Québec, 1973.

26. J.C.R. Rowley, and D.A. Wilton, "Empirical Foundations of the Canadian Phillips Curve," *Canadian Journal of Economics,* Vol. VII, No. 2 (1974), pp. 240-259.

27. Bertrand Belzile; Jean Boivin; Gilles Laflamme et Jean Sexton (eds.), *Inflation, indexation et conflits sociaux,* 30e Congrès des relations industrielles de l'Université Laval, Québec, Presses de l'Université Laval, 1975.

28. W.D. Wood, and Pradeep Kumar, *Canadian Perspectives on Wage-Price Guidelines,* Industrial Relations Centre, Queen's University, Kingston, Ontario, 1976.

29. H.D. Woods, *Labour Policy in Canada,* Second Edition. Toronto: Macmillan of Canada, 1973. lg

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The foregoing was condensed from a paper presented at the International Industrial Relations Association congress in Geneva, September 1976.

Labour legislation in Canada, 1976

Part IA: Labour relations — general

by William H. Langford

British Columbia, Alberta, and **Manitoba** have amended their industrial relations legislation, since January 1976.

The **British Columbia** modifications, effective June 30, 1976, relate mainly to three areas: multi-employer certification; strike and lockout prohibition; and pre-lockout vote and notice. Multi-employer certification is now included in provisions for the certification of a council of trade unions. The 21-day cooling off period in which strikes and lockouts are prohibited for fire-fighters, police, and hospital workers is increased to 40 days and the provision is extended to cover all trade unions and employers where strikes or lockouts may cause serious danger to life or health. The amendment provides for regulations to be made to deal with board supervision of strike and lockout votes.

In **Alberta,** the Labour Amendment Act came into force December 15, 1975, which amended aspects of the Board of Industrial Relations. Previously, the Act provided that the board and each member had the powers of a commissioner appointed under the Public Inquiries Act and could administer oaths and take affidavits and statutory declarations. The amendment directly places the power of administering of oaths and taking affidavits upon officers of the board, and the board's powers are

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spelled out more specifically. Board members, Public Emergency Tribunal members, the Director of Labour Standards and certain other designated persons are declared not to be competent or compellable witnesses in any court proceedings.

An additional prohibition is placed upon the employer or employer's organization or any person acting on their behalf. They must not refuse to employ, refuse to continue to employ, or discriminate against any person in regard to employment or any term or condition of employment because the person is an applicant for membership in a trade union.

As previously, the lieutenant-governor in council is empowered to declare a state of emergency and to order emergency procedures to resolve a dispute. Such powers hinged on such conditions as "serious jeopardy" of life or property and "extreme privation or human suffering" caused by "stoppage of services or work over an extended period of time." Emergency action may now be instituted in far less severe circumstances.

The composition of the tribunal is changed from three or more persons to one or more. Where more than one person is appointed, the labour minister designates one person as chairman.

In **Manitoba,** extensive changes to the Labour Relations Act were proclaimed, December 1, 1976. At the same time, revised administrative rules of procedure and practice (gazetted October 16, 1976) are effective. The following are major changes: The definition of "professional employee" is expanded to require the employee, in the course of his employment, to have and apply specialized knowledge of a kind ordinarily acquired through graduation from a university or similar institution. The whole of Part I — Unfair Labour Practices and Infringement of Rights — is amended and clarified to emphasize unfair practices. Primarily, these changes replace the previous reference to infractions of the Act as being "guilty of an offence" by "commits an unfair labour practice," and reference to "judge or magistrate" is replaced by "the board."

An authorized agent of the employer or a supervisor of employees, who would not reasonably be expected to become a union member when a union is seeking to be certified as the bargaining agent — or is attempting to enlist members — is deemed to be interfering with the formation or selection of a union and thus committing an unfair labour practice if he indicates to

an employee who would be reasonably expected to be within the unit or to be requested to join the union that he objects to unions or to the union; or he prefers one union over another; or the attitude or policies of the employer will change in any way if the union is certified or a collective agreement is entered into.

The Act makes void any collective agreement provision requiring an employer to discharge an employee because the employee is, or continues to be a member of, or engages in activities on behalf of a specified union. The amendment also invalidates the discharge provision where it applied to a union other than a specified union.

A new section of the Act lays down proceedings. An application in writing for a remedy alleging that the person against whom the remedy is sought has committed an unfair labour practice may be filed with the board not later than six months after the unfair labour practice is alleged to have occurred or last occurred. The previous application for discrimination remedy limitation was 90 days.

Upon an application being filed, the board fixes a time and place for commencing a hearing and notifies the parties. At a hearing of an application the parties may submit evidence and argument. At the hearing, the board may direct witnesses to be called for examination before the board and documents to be presented and filed for examination by the board, and the board may direct questions to any witness before the board for the purposes of the application.

After hearing all evidence and argument before the board relative to the application, the board makes a finding as to whether or not, in its opinion, a party to the application has committed an unfair labour practice. Where it finds that a party has committed an unfair labour practice, it also makes a finding as to whether or not any person has suffered loss or diminution of income by reason of the unfair labour practice and the amount of such loss or diminution. Nothing in the Act deprives any person of his freedom to express his views if he does not use intimidation, coercion, threats or undue influence, or interfere with the formation or selection of a union.
At least 50 per cent of union members in good standing is now required for an application. Previously, only 35 per cent were required.

The new provisions change the terms for applications. Two or more unions joining in application for certification must have 50 per cent of members in good standing rather than the 35 per cent required previously.

In addition to requiring 50 per cent of members in good standing in order for an application for certification to be made, the board may order a vote to be taken to determine the wishes of the employees in the unit as to the selection of a bargaining agent for them if the board is uncertain at the date of filing the application that the requirement has been met.
As before, subject to certain rulings of the board, where the businesses of two or more employers are amalgamated or merged, the certifications and bargaining rights of the bargaining agent, if any, remain in force until duly cancelled or terminated. This provision was extended to purchase of a business. The amendment further extends the condition where the business, or part of the business, of an employer is sold, leased, transferred or otherwise disposed of, to another person.

Where two or more bargaining agents are amalgamated or merged, any certifications of those bargaining agents remain in force under the new name or designation of the amalgamated or merged bargaining agent until duly cancelled or terminated.
Where two or more bargaining agents are merged, and the separate units of employees represented by those bargaining agents are, in the opinion of the board, a single unit appropriate for collective bargaining, the board may order that the units be merged and be thereafter one unit for collective bargaining, at such times and under such terms as

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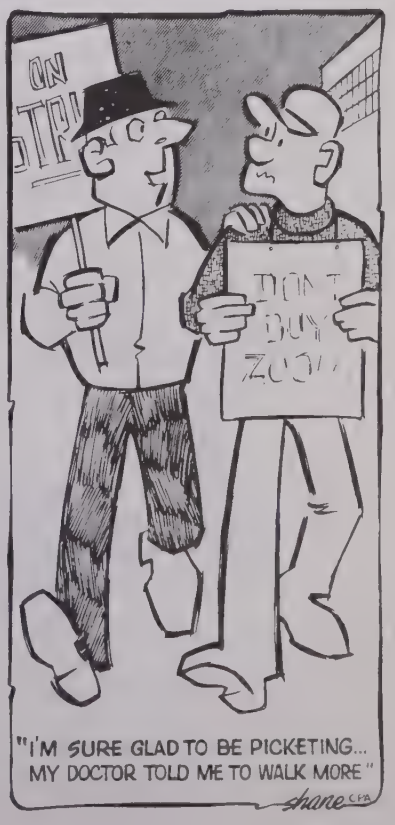


will, in the opinion of the board, best serve the interests of the employees and their employers. The board may certify the amalgamated or merged bargaining agent for the merged unit.

Where a collective agreement is in force, no application to cancel the certification of the bargaining agent or to terminate the bargaining rights of the bargaining agent shall be made during certain specified periods.

If the board is satisfied that less than 50 per cent of employees in a unit support an employee's application to the board to cancel certification or terminate bargaining rights, it will dismiss the application.

The board will direct that a vote be taken to determine the wishes of the employees in the unit as to the selection of a bargaining agent to act on their behalf where an employee makes an application to the board to cancel certification or terminate the bargaining rights of the bargaining agent, and when the board is satisfied that more than 50 per cent of the employees in the unit support the application. Where the board takes a vote on an issue, a majority of those voting on the issue shall determine the issue.

Members of religious groups may be exempted from payment of union dues and representation by the union. The Labour Board can authorize employment of a conscientious objector in a union shop and exempt that person from joining the union, although he or she must pay union dues. The union can exempt a conscientious objector from paying union dues but is not obligated to represent such employee or act on his behalf.

Newly certified unions that are having difficulty in obtaining a first agreement may request a "code of employment," enforceable as a collective agreement for one year. In a recent announcement, Labour Minister Russ Paulley stated that if an employer changes wages or working conditions without the union's consent during a one-year period after the 90 days following certification or the expiry of any extension ordered by the Labour Board, the employer must, at the union's request, make a written code of employment setting out wages and working conditions as increased or altered.

Effective for one year following the union's request, the code would entitle employees to grievance arbitration, and it encompasses compulsory check-off of union dues.

The labour minister may maintain a list of persons who have, in his opinion, qualities and experience that make them suitable to act as mediators, arbitrators, or chairmen of arbitration boards in labour negotiations or labour disputes and who have indicated their willingness to act in all or any of those capacities. The labour minister may then make the list available to parties to labour negotiations or labour disputes.

The prohibition on strikes and lockouts may now be extended beyond the period of 90 days after the date on which the union was certified. lg

Back issues of The Labour Gazette

A recent inventory shows that we have on hand — free for the asking — a limited number of copies of the following issues of *The Labour Gazette*:

1976: March, April, May, June, August, September, October, November, December.

Anyone wishing to receive any of the above may obtain them by writing to: Editor, *The Labour Gazette*, Canada Department of Labour, Ottawa K1A 0J2.

comment

A call to improve Canadian productivity

In the 1960s and early '70s Canadians enjoyed real income gains that averaged about 5 per cent each year. Only half of this was due to increases in overall productivity. The other half was due to the expansion of jobs and work effort as more and more women and young people entered and stayed in the labour force.

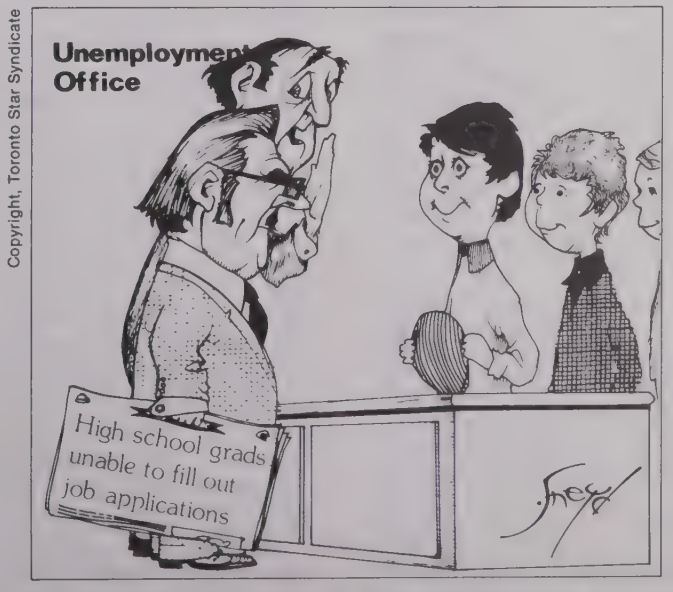
Basically, productivity increases and additional effort are the only way that we as Canadians can hope to become materially better-off without dipping into each other's pockets. There is no other way. And those who expect their own and everyone's incomes to grow by say 10 per cent or more each year when productivity levels hover around 3 per cent, are merely contributing to the pressures that ultimately involve monetary accommodation and inflation.

Canada and the United States traditionally have had productivity growth rates lower than almost every other major western industrial nation. In the '60s and early '70s our productivity increases averaged 2.5 per cent annually, slightly less than the United States. Most of the industrial countries of Europe enjoyed productivity increases in the 4 to 6 per cent range and Japan averaged over 8 per cent annually. In 1974 and 1975 we had zero or negative productivity gains, and between those years the real value of family income declined. This year we are doing somewhat better but not exceptionally.

Why do we traditionally do so badly compared with other nations? One reason has to do with how we employ our resources. Next to the United States we have more persons than any other country in low-productivity tertiary-sector jobs. More than three out of five working Canadians are employed in non-primary and non-industrial jobs.

Admittedly our ability to measure the productivity of service sector workers is somewhat circumscribed. Nonetheless, our estimates indicate that three quarters of our increases in productivity come from secondary manufacturing and one quarter from our farms, mining and pulp and paper and other primary industries. The service sectors have made no contribution to measurable productive output in Canada despite their rapid expansion. We have in short been directing our resources increasingly into precisely those areas where we get the least return in terms of overall economic growth.... Yet, if we are to continue to progress and to offer higher real incomes and more leisure to our children it is to the competitiveness and the efficiency of our primary and secondary industries that we must look.

How well are we doing on these fronts? The answer is, not very well. Our agricultural and forestry output has grown slowly over the past decade, our harvest of fish has shrunk and the rates of increase in mining and in oil and gas have declined.... There are real imbalances in the productive capability of our manufacturing enterprises in Canada, and wide variations in efficiency from one



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"They don't seem to have any trouble filling out an unemployment compensation application."

product to another and from one region to another.

Regionally, the imbalance is compounded because traditionally some low productivity enterprises are more concentrated in some areas than in others. But even if you remove the variation associated with the different industrial structure of each region the productivity in Ontario manufacturing firms is roughly 50 per cent higher than in the Atlantic Provinces and almost a quarter higher than in Quebec.

Internationally the situation is equally gloomy. In the 1960s we were doing well. Our exports of non-automotive manufactured goods grew at annual rates slightly higher than our corresponding imports of these products. Our exports of automotive products mushroomed. But in the '70s there has been a complete turnaround. Automobiles are no longer providing the driving force of our trade structure. Increasingly Canadians are turning to foreign suppliers. And this despite the fact that real wage increases in many countries have run considerably ahead of Canada's. Since 1971 our exports of non-automotive manufactured goods have grown at a rate of 1 per cent annually compared to imports increasing at 9 per cent annually. The price index of Canadian manufactured goods relative to the United States' has risen steadily since 1965. Our exports as a percentage of world exports has been dropping for over a decade. This reflects a serious weakening of Canada's economic structure, attributable to shortcomings in modernization and investments in new plant and capacity.

The gravity of the situation has been compounded by the dramatic turnaround in the pattern of trade in crude petroleum. In 1973 and 1974 oil was a source of strength in Canadian trade because Canada was a net exporter of petroleum with a surplus of more than $900 million in 1974. In 1975, oil showed a net trade deficit of nearly $300 million, a swing of $1.2 billion in just over one year. By 1985 our estimates suggest that we will have a trade deficit of 2 billion dollars annually for petroleum alone. The result has been very severe balance-of-payment difficulties, and no immediate prospect for their resolution. At the moment, our overall foreign indebtedness is running about 50 billion dollars, and growing.

Let us stand back now and get some perspective. As a nation we are, in real terms, more than twice as rich as we were a generation ago. We are saving more than ever before. We had a dream once that we could go into debt in the early stages of our economic evolution, build up the structure and diversity of our industrial base, mature, and compete, and pay off our debts. But what has happened? Our manufacturing base other than automotive enterprises has generally become less not more competitive. We continue to rely on our natural endowments as the main source for our export competitiveness. The energy scenario is gloomy. And we are more in debt than ever before.

It is true that the recent depreciation of the Canadian dollar will help, but by itself it represents only a temporary palliative. A longer-term solution involves the strengthening of the competitive efficiency and productivity of our industries. The challenge confronts all of us, labour and business no less than governments. We simply cannot afford the me-too attitudes to wage and price increases that ignore the inevitable inflationary pressures on costs and competitive productivity.

We cannot afford the narrow parochialism of business and labour leaders who fear the fresh winds of competition and technological change. We cannot afford to continue to channel our investments and resources into low-productivity slow-growth enterprises or into new government expenditures that serve only marginal needs. The longer-term solution involves a strengthening of the competitive efficiency of our industries. This means opening our doors wider to the competitive cut and thrust of world trade. For despite our depreciated currency and our tariff and non-tariff trade barriers, our situation will not measurably improve until our business leaders have the courage to take the export battle to their competitors.

It means widening competition in areas such as financial intermediaries, and containing the excessive use of market power. It means dismantling some of the self-serving, self-protective mechanisms associated with certain industries and occupations, — and I include here some marketing and regulatory agencies that favour the large producers, and professional and licenced associations which impose unnecessary quality requirements and entry barriers, both to the detriment of consumers and taxpayers.

It means re-examining closely the collective bargaining relationships between public agencies and organized labour since unlike most plant-level situations the costs of public sector disputes and work stoppages are borne directly by the general public. And it means more direct and explicit accountability by all levels of government with respect to the tax dollars they raise and those which they spend.

Robert A. Jenness

Performance Group director, Economic Council of Canada

Books

Labour Arbitration and All That

by **John P. Sanderson, Q.C.**, Richard de Boo Limited, Toronto, 1976. 133pp.

The grievance arbitration process is a vast and complex subject. The outstanding merit of this book is that the author has succeeded in producing, at an acceptable level of generality and standardization, a concise, authoritative, practical and pragmatic working manual for anyone interested or involved in the field of grievance arbitration in Canada.

Useful data and tactical advice are provided on the individual components of the grievance arbitration process in logical sequence. The book includes information on grievance processing, establishment of the arbitration forum including the choice of arbitrators, preparation for grievance arbitration hearings, presentation of cases at the preliminary, evidentiary, and argument stages of the hearing, as well as the rendering, enforcement and setting aside of arbitration awards.

The text is by no means dry. The language is sufficiently simple and straightforward for the layman to understand and the book contains a number of humorous, forceful illustrations of various points drawn from actual cases.

Although the author is a lawyer, he has not intended his work to be a legal text on grievance arbitration. Consequently, one finds the book unencumbered by citation or analysis of individual labour arbitration cases. Likewise, there is little discussion of the differences between legislation governing grievance arbitration in specific Canadian jurisdictions. For the most part, this last feature is an advantage in terms of the concise treatment of a "standard" arbitration case.

To a minor degree, however, there are some points in the book where one might wish to have a clearer indication of whether the general statements apply to all jurisdictions in Canada, and if not, to which jurisdictions they do apply. This is especially so where specific references to the Ontario legal context are made by way of example.

The advice and insights afforded regarding the stages before the hearing might have the effect of promoting more frequent settlement of grievances without arbitration by encouraging, for example, more disclosure of information, although there is no legal obligation in this regard. The discussion of grievance processing moreover, pays due attention to the effect of grievance handling on the interrelationship on a long-term basis of the employer, the union representatives and the employees.

In a more detailed work one might perhaps wish to see more discussion of such matters as the degree of authority given to various levels of union and management to settle grievances at different stages of the grievance procedure — factors which determine whether or not grievances are pursued, including those factors which do not flow from the actual merits of the grievance, and the relative authority of unions and individual grievors, on the decision whether or not to pursue grievances.

Other matters which might usefully be treated in a lengthier practical and pragmatic work include the possible factors on which a compromise solution of a grievance without arbitration might be based and the relative meaning of "compromise" for the union on the one hand and the individual grievor on the other. Moreover, it

New labour education periodical available

Labor Studies Journal is the title of a new three-times-a-year periodical for those interested in labour education. It is published by the University and College Labor Education Association, which is supported by 40 U.S. universities and colleges that offer labour education programs. The subscription rate is $12 a year. For further information, contact the periodical's business manager, Professor Charles Craypo at Pennsylvania State University's department of labour studies.

might be useful to examine the role of complaints which cannot be entertained as grievances or heard by an arbitrator but which nevertheless have potentially destructive implications for bargaining relationships.

In order to advise representatives on effective preparation for and participation in arbitration hearings, steps to be taken and pitfalls to be avoided are carefully set out. The discussion on preparation for the hearing focuses on practical aspects of gathering the necessary information, interviewing witnesses, structuring evidence, making use of subpoenas, analyzing the issues involved in the case and determining which arguments and submissions are to be presented and which precedents are to be used.

The book then examines the arbitration hearing itself and reviews in an orderly fashion each part of the hearing, including the first stage concerning preliminary matters including objections that may be taken as to the jurisdiction of the arbitrator or arbitration board, questions of arbitrability, the filing of certain documents and the delivery of opening statements. It also examines the second stage consisting of the evidentiary part of the hearing and involving the examination and cross-examination of witnesses, and the final stage consisting of the argument.

Practical and indispensable advice is given to the representative both as to what is going to happen at the hearing at each of these stages and as to the proper principles or approaches which he should adopt in order to effectively fulfil his role. As a by-product this part of the book sheds useful light on the appropriate roles of other participants in the hearing — arbitrators, nominees, and witnesses. A short discussion follows indicating the mechanics of rendering awards. The material on the deliberations of tripartite arbitration boards is especially illuminating. Attention is given also to questions of compensation pursuant to arbitration awards as well as the enforcement and setting aside of awards.

While the book contains a separate chapter entitled "Legal Issues" the author cautions that the chapter is intended only as a brief and general discussion of legal issues that may arise during the course of a given arbitration. With this caveat in mind, the chapter does indeed offer a broad understanding of a number of basic legal matters, although the discussion might have benefited from a clearer indication of which portions of the summary apply universally in Canada, or alternatively what if any, significant variations exist in different Canadian jurisdictions.

—Allan J. Torobin

Allan J. Torobin is an Officer with Labour Canada's arbitration services unit

"Non-traditional" occupations outlined

Profiles of nine women who work in skilled trades, and who "love their work" are available in a new pamphlet published by the information service of the Ontario ministry of colleges and universities.

The profiles are of a machinist, a woodworker, a plumber, a small-engine mechanic, an auto body mechanic, a saw filer-fitter, a welder and two motor and equipment repairers.

"Many of the women decided to train for a skilled trade after working for some time in offices in low-paying clerical jobs they found uncongenial," says *Women's Bureau News Letter*, published by the Ontario ministry of labour.

"Most report they did not discover their mechanical aptitude until they were well out of high school because when they were teen-agers courses such as carpentry or auto-mechanics were restricted to boys."

"They love their work; they are doing well, and have the respect of their colleagues," the report adds. "The 'problem' of being women in so-called male jobs appears to them to have been vastly exaggerated."

PRICES, EMPLOYMENT, AND EARNINGS

Consumer, December

The Consumer Price Index for Canada (1971 = 100) advanced 0.3 per cent from 152.2 in November to 152.7 in December, and was 5.8 per cent above its level of December, 1975. An increase in shelter charges accounted for about two fifths of the latest increase, while food prices rose 0.4 per cent and were responsible for an additional one quarter of the advance. The index for all items excluding food, advanced 0.3 per cent. Higher prices for fresh milk, bread, processed fruit and vegetables, chocolate bars and coffee, and restaurant meals, were chiefly responsible for the 0.4 per cent rise in the food index level. Partially offsetting these increases were lower prices for beef, pork, poultry and fresh fruit. The index for food consumed at home was 2.3 per cent lower in December 1976 than a year ago.

In terms of goods and services, the price level of goods, including food, increased 0.2 per cent in the latest month and that for services increased 0.4 per cent. Between December 1975 and December 1976, the price level of services increased 11.1 per cent compared with a 2.8 per cent rise for goods.

City consumer, December

Consumer price indexes rose in 13 regional cities, and were unchanged in one, between November and December. Movements ranged from 0.1 per cent in Halifax, Edmonton and Vancouver, to 0.7 per cent in Saint John. Percentage increases listed in the 13 regional cities were: 0.1 in Halifax, Edmonton and Vancouver; 0.2 in Regina and Calgary; 0.3 in Quebec and Toronto; 0.4 in Ottawa, Winnipeg, Saskatoon and St. John's; 0.5 in Montreal; 0.7 in Saint John.

Employment, December

The seasonally adjusted employment level in December was 9,546,000, a decrease of 33,000 from November, Statistics Canada reported. The level declined by 12,000 for women 15-24 years old and by 19,000 for women 25 years of age and over. It declined by 5,000 for men aged 15-24, and increased by 3,000 for men 25 and over. By province, the seasonally adjusted employment level declined in British Columbia by 26,000; in Manitoba by 7,000; in Alberta by 4,000 and in Ontario by 3,000. It increased in Quebec by 5,000 and in Nova Scotia by 3,000. In Saskatchewan, New Brunswick, Prince Edward Island, and Newfoundland the level was unchanged.

Unemployment, December

The seasonally adjusted unemployment rate for December (778,000) increased by 0.2 per cent to 7.5 per cent. For men aged 15-24, the rate increased by 0.3 per cent to 13.9 per cent and by 0.7 per cent to 14.0 per cent for women in the same age group. The rate increased by 0.2 to 4.4 per cent for men 25 and over and by 0.2 per cent to 6.7 per cent for women 25 and over. By province, the unemployment rate increased by 1.5 per cent to 8.8 per cent in British Columbia; by 0.5 per cent to 4.0 per cent in Alberta; by 0.3 per cent to 6.5 per cent in Ontario; and by 0.3 per cent to 4.9 per cent in Manitoba. The rate decreased by 1.5 per cent to 8.6 per cent in Prince Edward Island; by 1.4 per cent to 9.8 per cent in Nova Scotia; by 1.0 per cent to 13.8 per cent in Newfoundland; and by 0.7 per cent to 10.3 per cent in New Brunswick. Quebec, at 9.8 per cent, and Saskatchewan, at 3.4 per cent, were unchanged.

Earnings, November

Average weekly earnings in Canadian industry were $236.29 in November, an increase of 10.7 per cent from $213.37 a year ago. Provincially, average weekly earnings, unadjusted, were highest in British Columbia, $271.17; Alberta, $247.56; Ontario, $236.12; Newfoundland, $230.34; Quebec, $230.25; Saskatchewan, $222.47; Manitoba, $215.73; New Brunswick, $210.94; Nova Scotia, $198.80; and Prince Edward Island, $178.61.

Average weekly earnings in November, by industry division, were: construction, $349.26; mining, $332.56; forestry, $311.98; transportation, communication and other utilities, $272.01; manufacturing, $251.26; finance, insurance and real estate, $218.56; trade, $179.29; and service, $165.12. Compared with November a year ago, average hourly earnings increased 13.4 per cent in manufacturing, 12.0 per cent in construction and 11.1 per cent in mining.

General minimum rates for experienced adult workers

Jurisdiction	Rates per hour
Federal	$2.90 effective April 1, 1976
Alberta	$3.00 effective March 1, 1977
British Columbia	$3.00 effective June 1, 1976
Manitoba	$2.95 effective September 1, 1976
New Brunswick	$2.80 effective November 1, 1976
Newfoundland	$2.50 effective Januay 1, 1976
Nova Scotia	$2.75 effective January 1, 1977
Ontario	$2.65 effective March 15, 1976
Prince Edward Island	$2.50 effective July 1, 1976 $2.70 effective July 1, 1977
Québec	$3.00 effective January 1, 1977
Saskatchewan	$3.00 effective January 1, 1977
Northwest Territories	$3.00 effective June 7, 1976
Yukon Territory*	$3.00 effective April 1, 1976

*Federal rate plus 10 cents.

Minimum wage rates for young workers and students*

Jurisdiction	Rates per hour	Effective date
Federal	Employees under 17: $2.65	April 1, 1976
Alberta	Employees under 18: $2.85	March 1, 1977
	Students under 18 employed part-time: $2.50	March 1, 1977
British Columbia	Employees 17 and under: $2.60	June 1, 1976
Manitoba	Employees under 18: $2.70	September 1, 1976
Nova Scotia	Underage employees: 14 to 18 years $2.50	January 1, 1977
Ontario	Students under 18 employed for not more than 28 hours in a week or during a school holiday: $2.15	March 15, 1976
Prince Edward Island	Employees under 18: $2.35 $2.35	July 1, 1976 July 1, 1977
Québec	Employees under 18: $2.80	January 1, 1977
Northwest Territories	Employees under 17: $2.55	June 7, 1976

*New Brunswick, Newfoundland, Saskatchewan and Yukon Territory have no special rates for young workers or students.

Additions to the Library

LIST NO. 333

The publications listed below are recent acquisitions. They may be borrowed through a local library (business, university, public, etc.) or directly — if there is no local library — by writing to The Chief Librarian, Labour Canada, Ottawa, Ontario K1A 0J2, indicating the publication numeral and the month.

ACCIDENT PREVENTION

1. Centrale des syndicats démocratiques. La sécurité au Québec. Montréal, 1976. 47p.

ARBITRATION, INDUSTRIAL

2. Compulsory arbitration: an international comparison, by J. Joseph Loewenberg and others. Lexington, Mass., D.C. Heath and Company, 1976. 213p.

3. Pops, Gerald M. Emergence of the public sector arbitrator. Lexington, Mass., Lexington Books, 1976. 136p.

COLLECTIVE BARGAINING

4. Better, Maurice Bernard. The collective bargaining process: case study and analysis. Ann Arbor, Mich., Xerox University Microfilms, 1976. 507p.

CORPORATIONS, INTERNATIONAL

5. Buckley, Peter J. The future of the multinational enterprise, by Peter J. Buckley and Mark Casson. London, Macmillan, 1976. 116p.

COST OF LIVING ADJUSTMENT

6. Ferguson, Robert Harry. Cost-of-living adjustments in union-management agreements. Ithaca, N.Y., New York State School of Industrial and Labor Relations, Cornell University, 1976. 71p.

DISCRIMINATION IN EMPLOYMENT

7. Parlin, Bradley W. Immigrant professionals in the United States; discrimination in the scientific labor market. New York, Praeger, 1976. 97p.

ECONOMIC POLICY

8. Bacon, Robert William. Britain's economic problem: too few producers, by Robert Bacon and Walter Eltis. London, Macmillan, 1976. 194p.

9. Breton, Albert. The regulation of private economic activity. Montreal, C.D. Howe Research Institute, 1976. 18p.

10. Jones, H.G. Planning and productivity in Sweden. London, Croom Helm, 1976. 212p.

EMPLOYEES' REPRESENTATION IN MANAGEMENT

11. Kanungo, Rabindra N. The role of salary level and cultural background in managerial motivation, by R.N. Kanungo and G.J. Gorn. Montreal, McGill University, 1976. 16p.

12. Symposium on Workers' Participation in Decisions within Undertakings, Oslo, 1974. Workers' participation in decisions within undertakings; summary of discussions of a Symposium on Workers' Participation in Decisions within Undertakings, Oslo, 20-30 August 1974. Geneva, International Labour Office, 1976. 129p.

HEALTH, PUBLIC

13. U.S. Council on Wage and Price Stability. The problem of rising health care costs. Washington, G.P.O., 1976. 30p.

HOURS OF LABOUR

14. Turgeon, Bernard. Les horaires variables: examen de la littérature. Québec, Ministère du travail et de la main-d'oeuvre, Direction générale de la recherche, 1976. 165p.

INDUSTRIAL DISPUTES

15. Centrale des syndicats démocratiques. Le conflit chez Bélanger: un défi pour tout le comté de Montmagny. Montréal, 1976. 26p.

16. Pesquet, Jacques, comp. Soviets at Saclay? The first assessment of an experiment in setting up Workers' Councils at the Atomic Energy Commission Centre for Nuclear Research, Saclay. Translated by Robert Biel. London, Stage 1, 1976. 71p.

17. Phillips, Gordon Ashton. The General Strike: the politics of industrial conflict. London, Weidenfeld and Nicolson, 1976. 388p.

18. Wigham, Eric Leonard. Strikes and the Government 1893-1974. London, Macmillan, 1976. 206p.

INDUSTRIAL RELATIONS

19. Labour-Management Conference, Brantford, Ont., 1976. Labour-Management Conference... Brantford, Ontario, February 5, 1976. Theme: A realistic approach to industrial relations. Ottawa, Canada Dept. of Labour, Employment Relations Branch, 1976. 62p.

JOB SEARCH

20. Bruce, Christopher J. Job search and frictional unemployment: some empirical evidence, by C.J. Bruce and J.H. Marshall. Calgary, University of Calgary, 1976. 19, 2p. (Calgary University Department of Economics. Discussion paper series, no. 36).

21. Marshall, James H. Job-search behaviour among frictionally-unemployed workers, by James H. Marshall with Christopher J. Bruce. Calgary, University of Calgary, 1976. 109p.

LABOUR ORGANIZATION

22. Williams, Fred Laurence. Union democracy in France: the French Democratic Confederation of Labor (CFDT). Ann Arbor, Mich., Xerox University Microfilms, 1976. 375p.

MINIMUM WAGE

23. Aykroyd, C. A survey of recent Canadian minimum wage research, prepared on behalf of the Statistics and Research Committee of the C.A.A.L.L. Ottawa, Canada Dept. of Labour, 1976. 60p.

OLD AGE PENSIONS

24. Greenough, William Croan. Pension plans and public policy, by William C. Greenough and Francis P. King. New York, Columbia University Press, 1976. 311p.

PRODUCTIVITY OF LABOUR

25. Sibson, Robert Earl. Increasing employee productivity. New York, American Management Association, 1976. 210p.

26. Sutermeister, Robert A., ed. People and productivity. 3d ed. New York, McGraw-Hill, 1976. 475p.

SOCIAL PROBLEMS

27. Mackasey, Bryce Stuart. What's behind the lemming urge? and other reflections on social conflict. Ottawa, Public Affairs Branch of Canada Post, 1976. 74, 94p. Titre en français: Le syndrome du lemming, et autres allocutions sur les conflits sociaux.

TEXTILE INDUSTRY

28. Centrale des syndicats démocratiques. Le malaise dans les textiles canadiens ou le geste de la dernière chance. Montréal, 1976. 1v.

WOMEN — EMPLOYMENT

29. Burrow, Martha G. Women: a worldwide view of their management development needs. New York, AMACOM, 1976. 21p.

30. Women in the economy: full freedom of choice; report of a conference held September 11-13, 1975. Washington, GPO, 1976. 47p.

labour statistics

Principal Items	Date	Amount	Percentage change from Previous Month	Percentage change from Previous Year
TOTAL CIVILIAN LABOUR FORCE*		(unadjusted figures, in thousands)		
Week ended November 13, 1976		10,299	- 0.4	+ 3.2
Employed	November 1976	9,592	- 0.7	+ 1.5
Agriculture	" "	482	- 6.0	+ 4.7
Non-agriculture	" "	9,110	- 7.1	+ 2.6
Paid Workers	" "	8,625	- 7.2	+ 3.8
At work 35 hours or more	" "	5,500	+ 66.0	- 2.8
At work less than 35 hours	" "	3,654	- 36.8	+ 11.7
Employed but not at work	" "	437	- 22.5	+ 8.4
		(change in thousands)		
Unemployed	November 1976	708	+ 29	- 22
Newfoundland	" "	25	+ 2	+ 1
Nova Scotia	" "	34	+ 2	+ 11
Prince Edward Island	" "	4	—	—
New Brunswick	" "	27	+ 1	+ 1
Quebec	" "	237	+ 3	+ 26
Ontario	" "	227	+ 4	- 6
Manitoba	" "	20	+ 3	- 2
Saskatchewan	" "	13	+ 1	—
Alberta	" "	32	+ 3	+ 5
British Columbia	" "	88	+ 7	- 14
Without work, seeking work and available for work	" "	642	+ 32	+ 46
		percentage change		
INDUSTRIAL EMPLOYMENT (1961 = 100)[r]	August 1976	147.3	+ 2.7	+ 2.4
Manufacturing employment (1961 = 100)[r]	" "	131.1	+ 3.8	+ 2.7
IMMIGRATION	First 9 months 1976	117,511	—	—
Destined to the labour force	" " "	48,590	—	—
STRIKES AND LOCKOUTS ‡				
Strikes and lockouts	October 1976	154	- 12.0	- 36.9
No. of workers involved	" "	904,733	+565.1	+711.6
Duration in man days	" "	1,646,507	- 5.4	+ 26.7
EARNINGS AND INCOME				
Average weekly earnings (ind. comp.)[r]	August 1976	230.49	+ 12.3	+ 11.7
Average hourly earnings (mfg.)[r]	" "	5.80	+ 14.4	+ 14.4
Average weekly hours paid (mfg.)[r]	" "	38.5	+ 1.0	+ 0.3
Consumer price index (1971 = 100)	November 1976	152.2	+ 0.3	+ 5.6
Index numbers of weekly wages in 1961 dollars (1961 = 100)[r]	August 1976	149.3	+ 8.3	+ 7.6
Total labour income (millions of dollars) †	October 1976	9,114.1	+ 2.1	+ 14.8
INDUSTRIAL PRODUCTION ‡				
Total (average 1971 = 100)	October 1976	118.3	- 1.3	+ 4.4
Manufacturing	" "	117.2	- 2.1	+ 3.6
Durables	" "	116.1	- 4.6	- 0.8
Non-durables	" "	118.3	+ 0.4	+ 8.2
NEW RESIDENTIAL CONSTRUCTION **				
Starts	October 1976	16,471	—	- 29
Completions	" "	17,169	—	+ 4
Under construction	" "	164,967	—	+ 15

* Source: Statistics Canada. *Labour Force Information*, Cat. No. 71-001P and *The Labour Force*, Cat. 71-001
† Advance data
‡ Preliminary
** Centres of 10,000 population or more
[r] Revised

STRIKES AND LOCKOUTS

The Labour Gazette will no longer carry a table on strikes and lockouts involving 100 or more workers. This information is available on request from the Labour Organizations and Labour Disputes Division, Labour Canada, Ottawa K1A 0J2.

Statistical information on work stoppages in Canada is compiled by the Labour Data Branch of the Canada Department of Labour on the basis of reports from the Canada Manpower Division, Department of Manpower and Immigration. The tables cover strikes and lockouts that amount to 10 or more man-days. The number of workers involved includes all workers reported on strike or lockout, whether or not they all belonged to the union directly involved in the disputes leading to the work stoppages. Workers indirectly affected, such as those laid off as a result of a work stoppage, are not included.

TIME PERSPECTIVE ON WORK STOPPAGES, OCTOBER 1976

Period	Number beginning during month	Work stoppages in existence during month or year			Per cent of estimated working time
		Number	Workers involved	Duration in man-days	
Year					
1971	547	569	239,631	2,866,590	0.16
1972	556	598	706,474	7,753,530	0.43
1973	677	724	348,470	5,776,080	0.30
1974	1,170	1,216	592,220	9,255,120	0.46
1975	977	1,054	482,180	10,894,190	0.53
1975 Month					
October	70	244	111,470	1,298,900	0.72
November	55	197	91,697	1,442,020	0.88
December	28	176	82,266	1,106,620	0.64
*1976					
January	35	154	54,756	813,660	0.47
February	53	156	150,369	573,770	0.35
March	83	157	172,608	432,270	0.23
April	75	153	303,957	669,470	0.38
May	96	168	265,912	653,010	0.38
June	125	233	187,524	1,131,820	0.59
July	69	183	78,020	1,271,320	0.68
August	78	193	89,791	942,950	0.50
September	54	175	136,027	1,738,990	0.97
October	49	155	904,953	1,646,500	0.92
January-October: 1975		981		8,260,240	0.51
January-October: 1976		836		9,873,760	0.51

*Preliminary.

WORK STOPPAGES BY INDUSTRY, OCTOBER 1976 (Preliminary)

Industry	Number beginning during month	Work stoppages in existence during month			Cumulative duration in man-days (Jan. to Oct.)
		Number	Workers involved	Duration in man-days	
Agriculture	0	0	0	0	0
Forestry	1	2	580	2,010	35,440
Fishing	0	0	0	0	350
Mines	1	4	3,050	19,280	551,210
Manufacturing	21	75	25,124	355,540	3,914,720
Construction	5	13	28,083	273,600	2,096,700
Transp. & Utilities	5	21	2,834	27,580	492,430
Trade	2	15	1,690	14,730	132,090
Finance	0	2	62	1,240	11,000
Service	8	15	10,294	103,060	1,068,290
Public Admin.	5	7	3,236	19,460	73,830
Various industries	1	1	830,000	830,000	1,497,700
TOTAL	49	155	904,953	1,646,500	9,873,760

WORK STOPPAGES BY JURISDICTION, OCTOBER 1976 (Preliminary)

Jurisdiction	Number beginning during month	Work stoppages in existence during month			Cumulative duration in man-days (Jan. to Oct.)
		Number	Workers involved	Duration in man-days	
Nfld.	5	6	932	2,060	125,700
P.E.I.	0	1	110	2,200	25,810
N.S.	0	2	1,650	15,400	191,660
N.B.	2	5	2,718	7,580	240,590
Québec	10	70	50,545	628,630	5,046,660
Ontario	17	36	7,011	74,940	1,421,160
Manitoba	0	1	145	2,900	91,610
Saskatchewan	2	7	1,779	12,020	130,710
Alberta	4	8	3,922	27,430	86,260
B.C.	6	10	2,111	12,920	1,464,560
Canada wide	1	1	830,000	830,000	830,000
Total, provinces*	47	147	900,923	1,616,080	9,658,120
Federal Public Service(1)	0	0	0	0	3,400
Federal Industries(2)	2	8	4,030	30,420	215,640
Federal total	2	8	4,030	30,420	219,040
TOTAL	49	155	904,953	1,646,500	9,873,760

(1) Covered under the Public Service Staff Relations Act.
(2) Covered under the Canada Labour Code: Part V.
* Day of protest, Oct. 14, 1976.

NOTE: Numbers relate only to workers directly involved in the dispute.

CANADA DEPARTMENT OF LABOUR PUBLICATIONS

Employment relations

Industrial Relations Research in Canada (annual). An inventory of industrial relations research undertaken by the Department, other government departments, academic institutions and private individuals. Free. (1975 edition).

Labour data

Union Growth in Canada in the Sixties. A 202-page report containing analysis and detailed data on union membership by province and industry during the period 1957-1970. (Bilingual) Price $5.00 ($6.00 outside Canada). Cat. No. L41-9/1976-1.

Labour Organizations in Canada, 1974-75 (annual). A directory of labour organizations including principal officers, union publications, provincial distribution of locals, and statistics on union membership affiliation. (Bilingual). Price $2.00 ($2.40 outside Canada). Cat. No. L2-2/1975.

Strikes and Lockouts in Canada, 1973 (annual). Contains a variety of statistics on strikes and lockouts, including number of incidents, workers involved and duration in man-days. Information is provided on all strikes and lockouts involving 100 or more workers. (Bilingual). Price $2.00 ($2.40 outside Canada). Cat. No. L2-1/1973.

Wage Rates, Salaries and Hours of Labour, 1975 (annual). A series of 30 community reports and a Canada reportncontaining information on wage rates, salaries and hours of labour at October 1, 1975. Wage rate data are provided for a number of office and service occupations, maintenance trades, labourers and specific industry occupations. Breakdowns for wage rates include major industry group, size of establishment and union/non-union (Bilingual). Various prices. Cat. No. L2-5/1975 (Community).

Working Conditions in Canadian Industry, 1974 (annual). Contains statistical data, effective October 1, on hours of work, paid holidays and vacations, and extent of unionization for office, non-office and other employees. Includes breakdowns by province and industry. Price $2.50 ($3.00 outside Canada). Cat. No. L2-15/1974.

Rights in employment

Women's Bureau '73. Papers dealing with the role of social workers and the status of women; organized labour in relation to working women; the rights of man and the status of women; equality in pensions for working women; and Quebec's contribution to the status of women in Canada. (Bilingual). Free.

Women's Bureau '74. Papers dealing with the compensation of women; women and work in Canada: a study of legislation; Canada's need: the ingredient of women's expefience; the economic and academic status of women in relation to their male colleagues; equal pay programs in Canada and the United States. the Canadian scene; and time to reform traditional insurance practices to eliminate sex discrimination. (Bilingual). Free.

Women in the Labour Force. Facts and Figures (1975 edition). 197 tables of statistics on many aspects of women's participation in the labour force. It includes sections on earnings, professions, manpower placements and trainees, historical data and projections. (Bilingual). Free.

The Law Relating To Working Women. (Bilingual). Free.

Central analytical services/Legislative analysis

Labour Standards in Canada, 1975. This publication sets out the provisions of federal and provincial standards laws enacted by the end of 1975 in the areas of statutory school-leaving age, minimum age for employment, minimum wages, equal pay for equal work, hours of work, weekly rest-day, annual vacations, general holidays, termination of employment, maternity protection and severance pay. (English or French). Price $2.00. Cat. No. L2-7/1975.

Workmen's Compensation in Canada. Deals with compensation for employment injury, the basic principles underlying the system, and coverage of the provincial Acts as of December 31, 1967. (Changes in workmen's compensation laws are published yearly and are available free on request). (English or French). Price $1.00. Cat. No. L34-1969.

Legislative Review. This semi-annual publication sets out new provisions enacted in apprenticeship and tradesmen's qualifications, employment standards, human rights, industrial relations, industrial safety and health and workmen's compensation. (Available free on request). (English or French).

Human Rights in Canada — 1976. A comparative summary of human rights legislation in all Canadian jurisdictions including major legislative developments of 1975. Available in either English or French. Price $2.00 in Canada, $2.40 in other countries. DSS catalogue no. L34-23/1976

Occupational safety and health

Safety Perspective Sécurité. Periodical designed to assist employers and employees in up-grading accident prevention programs. (Bilingual). Free.

Canada Occupational Safety Manual. Intended as a guide to persons charged with developing and maintaining an accident prevention program. 1. Planning for Safety. 2. Employment Safety Audit Guide. 3. Accident Investigating and Reporting. (English or French). 50 cents each.

Bibliography, Occupational Safety and Health. Lists some 500 selected holdings of Technical Library. Accident Prevention Division, 1974. Free.

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